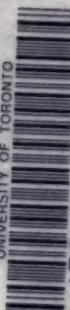


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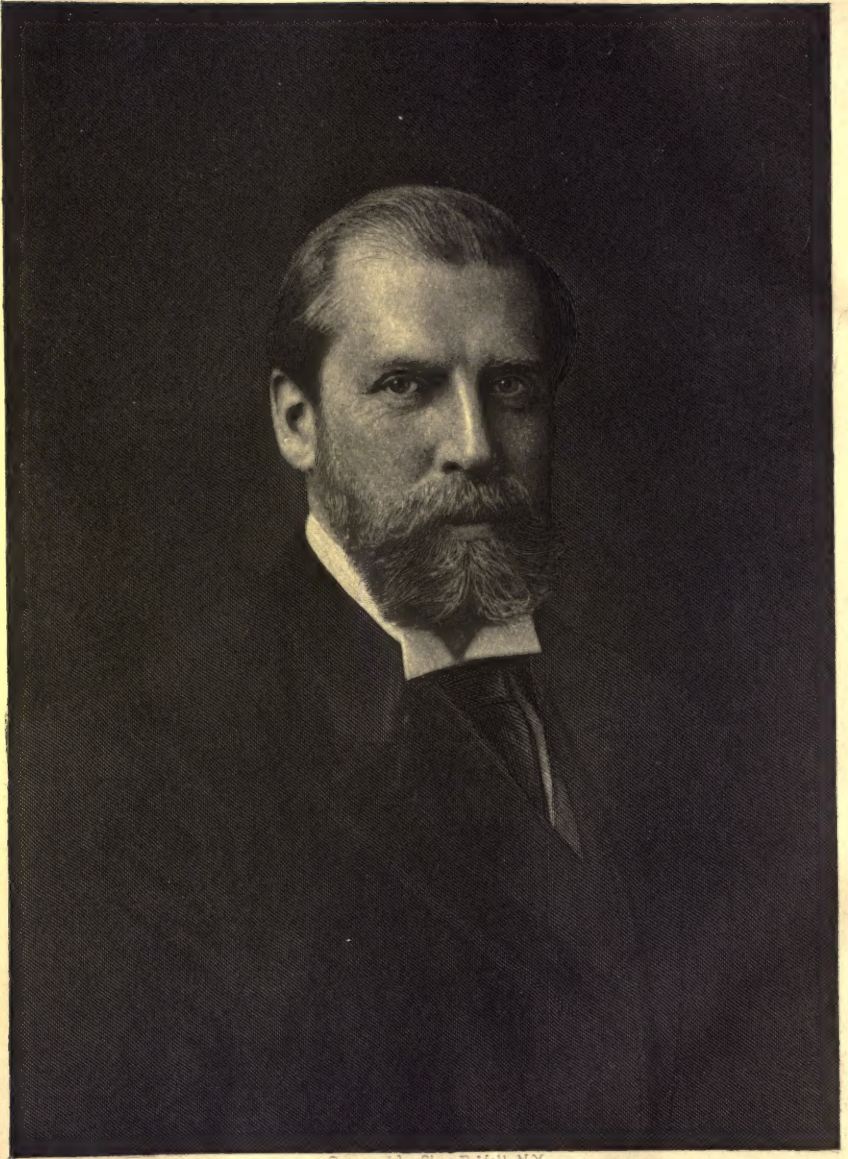


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*Charles C. Hughes*



# HISTORY OF THE STATE OF NEW YORK POLITICAL AND GOVERNMENTAL

CHARLES E. HUGHES

Charles E. Hughes, statesman; born at Glens Falls, N. Y., April 11, 1862; graduated from Brown university, 1881; professor in Cornell law school, 1891-1893 and special lecturer, 1893-1895; practiced law in New York City, 1884-1891 and 1893-1906; counsel for the Armstrong insurance committee (N. Y. legislature), 1905-1906; special assistant to the United States attorney general in the coal investigation, 1906; declined republican nomination for mayor of New York City, 1905; governor of New York for two terms, January 1, 1907 to October 6, 1910 when he resigned to become associate justice of the supreme court of the United States; nominated for president of the United States in the republican national convention at Chicago on June 10, 1916 and resigned from the bench the same day; defeated by President Woodrow Wilson; practiced law in New York, 1916-1921 and on March 4, 1921 was appointed by President Harding as secretary of state of the United States.

VOLUME IV

1896 - 1920

BY

ROSCOE C. E. BROWN

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Charles E. Hughes



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OF THE  
STATE OF NEW YORK  
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EDITED BY  
RAY B. SMITH



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## FOREWORD

The writing of history is a task peculiar to itself. The collation and recording of consecutive events concededly should be done concurrently with their happenings. The final estimate as to the actuating motives and ultimate effect, however, can be determined only after a lapse of time sufficient to eliminate all personal considerations and afford a viewpoint absolutely unprejudiced and impartial, tempered by time in the light of succeeding events.

Entirely removed from all influences of party strife and dispassionately reviewing the events of the past thirty years, with the first twenty-five of which I had something to do, I find that my personal viewpoint has materially changed. Matters regarded at the time of their happening as of vital importance, when reviewed now from a distance, appear to have been really of little account on the other hand those seemingly of trivial import and practically overlooked, have developed into real issues of far reaching effect in both party and governmental affairs.

It has been stated that history should not be written until after the lapse of at least a half century. With this I do not agree. Events with their producing motives and causes should be permanently recorded within the lifetime of those responsible for them so as to be subjected to all possible living criticism, in order that the absolute truth may be sifted out and determined and permanently prevail.

It is true that many men, each participating in some degree in a certain event, will each have a different version depending upon the part taken and the individual degree of participation. So it is that differences of opinion arise, capable of determination only by those who were in a position to know all of the surrounding facts and circumstances.

In this work, matters in doubt or controversy have been submitted personally to those who were in a position to know or the conflicting versions have been impartially stated. On matters open to question and not capable of personal verification the most reliable authorities have been accepted.

To Willis Fletcher Johnson, Roscoe C. E. Brown and Walter W. Spooner, each of established reputation as editor and writer all credit is due. To our many friends, men who were active participants in the events chronicled and who have given freely of their time and effort in helping make this work accurate and authentic, we owe much.

Mindful that in all matters pertaining to public affairs the primary object to be attained is to help people to better know and appreciate the fundamental principles of our government, the real significance of our institutions, what and why they are; what we should do in order to help our country fulfill its destiny as the leader of nations in firmly implanting the principles of freedom, justice and humanity throughout the world; we submit this contribution to our national literature.

R. B. S.



## CHAPTER I

### THE FIGHT AGAINST SILVER

1896

WHILE Morton was being put forward as a Presidential candidate in New York, the real struggle for the nomination was going on between William McKinley and Thomas B. Reed; for no one except the Governor took the Morton boom with seriousness, or believed it anything but an attempt to hold the New York delegation to serve Platt's purposes. Of the two leaders Platt preferred Reed, but McKinley had many friends in the State, and their campaign to pick up district delegates wherever Platt's domination was not overwhelming contributed greatly to his final success.

The *Tribune* was friendly to McKinley but slow to commit itself to him. On March 1 it published conspicuously a letter signed, "A Republican Since Fremont," which said: "If the one thing the people want is to get back to where they were, a natural response to their desire would have been the nomination of General Harrison. He himself prevents that. What is the next natural response? Is it not the nomination of the man whose very name expresses to every voter the system which was abandoned in 1892 and which he

wants now to restore as quickly as he can?" Though the *Tribune* for some little time in its editorial columns continued to maintain benevolent neutrality, its influence was strongly for McKinley. Cornelius N. Bliss did active work in securing McKinley delegates. In an interview he declared: "Mr. Platt says that he is honestly for Governor Morton for President. That I am not inclined to doubt, but I fear the Governor will get little from an advocate who deliberately so acts as to make it impossible for self-respecting men to be allied with him, even for a good purpose."<sup>1</sup>

Milholland and his friends organized the McKinley League and made a demonstration at the State convention, in New York City on March 24, intended to break the force of any claim that New York was solid against McKinley. Cornelius R. Parsons was temporary chairman of the convention and George N. Southwick permanent chairman. A platform was adopted declaring that, until there was a prospect of an international agreement as to silver coinage and while gold remained the standard of the civilized world, the Republicans of New York favored the firm and honorable maintenance of that standard. The convention instructed for Morton and chose Platt, Depew, Miller, and Edward Lauterbach delegates-at-large. The McKinley men offered a resolution to substitute General Samuel Thomas of New York and Mayor Edgar B. Jewett of Buffalo for Platt and Lauterbach, with instructions to the delegates to support McKinley as a second choice if Morton was not nominated on the first ballot. This was

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<sup>1</sup>New York *Tribune*, January 28, 1896.

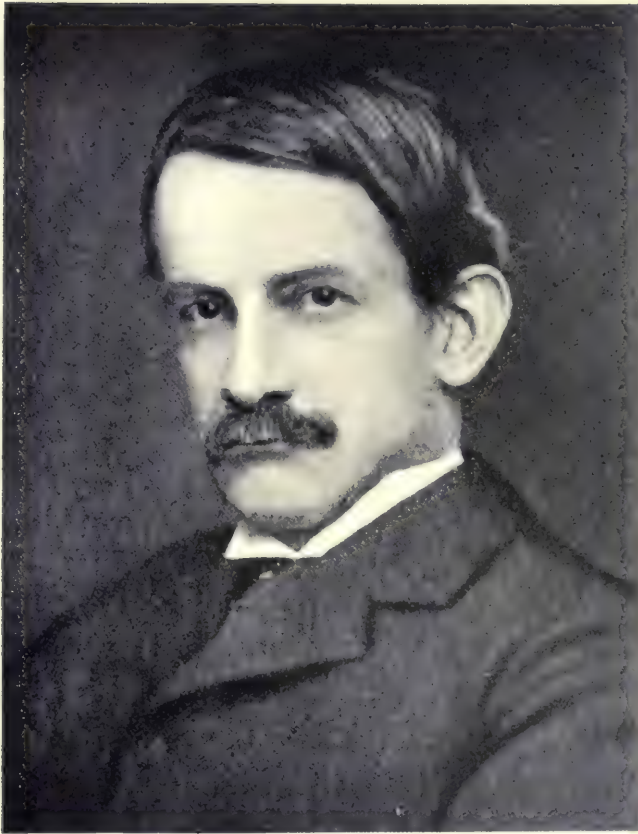


HORACE PORTER

Horace Porter, diplomat and soldier; born at Huntington, Pa., April 15, 1837; educated, Lawrence scientific school, Harvard; graduated at United States military academy, 1860; 2d lieutenant U. S. A., April 22, 1861; 1st lieutenant, June 7, 1861; captain, March 3, 1863; colonel and aid-de-camp to General Grant, April 4, 1864; colonel of staff and aid-de-camp to the general in chief, U. S. A., July 25, 1866; assistant secretary of war, 1866; executive secretary to President Grant, 1869-1873; ambassador to France, 1897-1905; orator at the dedication of Washington arch, New York City, May 4, 1895 and at the dedication of Grant's tomb, New York, April 27, 1897; recovered the body of Paul Jones at his personal expense in Paris, April 7, 1905; delegate to The Hague peace conference, 1907.







EDWIN MORSE SHEPARD

Edwin Morse Shepard; born New York City, 1850; graduated from college of the City of New York, 1869; civil service commissioner, Brooklyn, 1883-1885; chairman of commission, 1888-1890; democratic candidate for mayor of Greater New York, 1901; proposed for gubernatorial and other nominations by his party; died New York City, October 4th, 1911.





lost, 621 to 109. Thirty-six delegates from Kings, 13 from New York, 13 from Chautauqua, and 7 from Cattaraugus were among those favoring the substitution.<sup>2</sup>

Platt carried his opposition to McKinley to great lengths. On May 11 he published an interview saying of McKinley: "He is not a great man as Mr. Reed is. He is not a trained and educated public man as Senator Allison is. He is not an astute political leader as Senator Quay is. He is simply a clever gentleman much too amiable and much too impressionable to be safely entrusted with a great executive office."<sup>3</sup> He declared that he was not safe on the currency and that his prominence was due to the accidental advantage of having his name associated with the tariff. A little later Platt went still farther and said that McKinley was not a free agent, that he was mortgaged up to his eyes with pledges that could never be performed.<sup>4</sup>

Although still ostensibly for Morton, Platt offered, so he tells in his *Autobiography*, "to combine the field against McKinley's nomination." "I had suggested the plan of New England being for Reed, New York for Morton, Pennsylvania for Quay, Indiana for Fairbanks, Iowa for Allison, and the various States each for a favorite son."<sup>5</sup> But he could not effect the combination and by the time the delegates assembled at St. Louis on June 16 it was clear that Marcus A. Hanna, the McKinley manager, had made a success of his

---

<sup>2</sup>New York *Tribune*, March 25, 1896.

<sup>3</sup>Platt, *Autobiography*, p. 313.

<sup>4</sup>New York *Sun*, May 14, 1896.

<sup>5</sup>Platt, *Autobiography*, p. 403.

campaign. Miller, who led the McKinley men in the New York delegation, sought to make Depew a candidate for its chairman against Platt, and failing became a candidate himself as part of the policy of contesting at every point Platt's claim to represent the solid sentiment of New York against McKinley. Platt won by a vote of 53 to 17, and a resolution to stick to Morton to the finish was carried, 56 to 13.<sup>6</sup>

The wording of the money plank of the platform was a matter of difficulty, and its origin is a matter of dispute. Platt and Henry Cabot Lodge are said to have forced upon Hanna the wording of the unequivocal declaration for the gold standard, on which the campaign was subsequently waged. The only changes, however, alleged to have been introduced into the draft favored by Hanna at their suggestion were verbal alterations, which in no way modified the substantial meaning of the plank. The plank as finally adopted, with the amendments attributed to Platt and his friends in italics and the words discarded from the original McKinley draft in brackets, was:

"We are therefore opposed to the free coinage of silver, except by international agreement with the leading commercial nations of the world, *which we pledge ourselves to promote*; and until such agreement can be obtained the existing *gold* standard must be preserved. [We favor the use of silver in our currency to the extent only that its parity with gold can be maintained.] *All our silver and paper currency must be maintained at parity with gold*, and we favor all measures designed to maintain *inviolably the obligations of the United States and all* our money, whether coin or paper, at the present standard, the standard of the most enlightened nations of the earth."

---

<sup>6</sup>New York Tribune, June 16, 1896.

A different account of the plank attributes great activity and influence in persuading the McKinley leaders to the "gold" declaration to Herman H. Kohlsaatz, proprietor of the Chicago *Times-Herald*. He was an ardent McKinley supporter and also an ardent gold man. Before the convention he sought to convince McKinley that use of the word gold was necessary, but the latter felt that the money question would drop out of sight and quoted the advice of men close to eastern finance that if he put gold in the platform he would not carry a State west of the Mississippi. Kohlsaatz reached St. Louis on Friday, June 11, and conferred with Hanna, Myron T. Herrick, Governor Merriam of Minnesota, Henry C. Payne, and Redfield Proctor. Melville E. Stone was also present, not as a political manager but as a friend of McKinley. Hanna declared he could not hold his western delegates for McKinley if he came out for gold. After an all-day conference the others, who had stood with Hanna, but like Hanna were really wanting to be convinced, agreed to put in the word gold. Hanna fell in line and McKinley by telephone accepted the decision. A draft was read to him by Stone and he suggested incorporating a promise to seek an international agreement. The draft as thus modified was, except in turn of phrase, that finally adopted. It was agreed to keep the arrangement secret to prevent the westerners from having time to organize opposition to McKinley. Kohlsaatz went back to Chicago that night, reaching St. Louis again Monday morning. While he was in Hanna's room that morning Lodge entered and announced that he would insist on



an out-and-out declaration for gold. Hanna roughly told him that he was not going to have anything to say about it. Lodge left in anger, and Kohlsaatz expostulated with Hanna, saying that Lodge could make trouble and proposed to show him the plank. Hanna objected, saying that he could not trust to its being kept secret, but finally consented. Kohlsaatz took the plank to Lodge, who said it was all right, but suggested that the word "unlimited" before "free coinage" in the first sentence be eliminated. This was afterward done. Lodge wanted a copy to show to one man, understood by Kohlsaatz to be Platt. Kohlsaatz after some objections gave him a copy under pledge of secrecy. The next day the plank appeared in the Boston and New York papers with the intimation that Lodge and Platt had forced its acceptance. After the settlement of the Friday before, Hanna had told Kohlsaatz that he agreed with his financial views, but never could have organized the forces to nominate McKinley if he had come out before. When the plank was published he was disturbed and angry, but the leak came too late to break his combination. It did, however, serve as a basis for the Platt-Lodge claims.

Joseph B. Foraker, who was chairman of the platform committee, some years later in a long letter challenged a statement that Kohlsaatz drafted the gold plank, saying that it was formulated in the sub-committee, after the Teller silver propositions had been voted down on Tuesday, with the use of a draft presented by Hanna and John K. Richards as a basis. But Kohlsaatz did not profess to have drafted the plank, but

claimed only to have brought the McKinley managers into agreement on the explicit declaration for gold on the Friday before, and the fact that the plank with that declaration substantially as adopted was published in New York on Tuesday afternoon, while the sub-committee was hearing Teller, tends to show that its character was predetermined before the committee sat.<sup>7</sup>

In its final form the platform made the concession to the silver men, which the original draft had not included, of a promise to seek international bimetallism. On the other hand, it added the word "gold" to the phrase "existing standard," which Hanna had argued meant the same thing while being less disagreeable to the silver Republicans. McKinley and Hanna were both in favor of the gold standard, although in his earlier days, before the disastrous result of large silver purchases was seen, McKinley had favored the widest possible use of silver. Neither of them foresaw that the silver issue would be made paramount by Bryan's nomination, but looked for a campaign on the tariff and were anxious to avoid gratuitous offense in the matter of phraseology to silver Republicans. Charles W. Hackett, chairman of the Republican State committee, in a letter designed to celebrate Platt's services to the gold standard, said: "I do not myself think the Ohio managers were sentimentally opposed to the word 'gold.' They simply did not want to magnify the money

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<sup>7</sup>Platt, *Autobiography*, p. 320; Walter Wellman in *The Review of Reviews*, January, 1897, p. 41 *et seq.*, and statement of H. H. Kohlsaat to the writer, May 17, 1919; statement of Melville E. Stone to the writer, October 28, 1919; letter of Joseph B. Foraker, *Philadelphia Press*, December 4, 1899.

issue or offend what they believed to be a widespread southern and western opinion.”<sup>8</sup>

Several of the New York districts were contested. William Brookfield, Anson G. McCook, C. H. T. Collis, and Robert J. Wright, McKinley men, were seated despite Platt’s opposition, and in the twelfth district of New York half-votes were given to C. N. Bliss and S. V. R. Cruger under a compromise with the Platt delegates, Howard Carroll and Thurlow Weed Barnes.<sup>9</sup>

The convention was organized with Charles W. Fairbanks as temporary and John M. Thurston as permanent chairman. A substitute financial plank offered by the silver men was rejected, 818½ to 105½, and the McKinley platform as modified to suit Lodge and Platt was adopted, 812½ to 105½. McKinley was nominated on the first ballot, receiving 661½ votes to 84½ for Reed, 61½ for Quay, 58 for Morton, 35½ for Allison, and 1 for J. Donald Cameron.<sup>10</sup> The New York delegation split its vote, with the result of 55 for Morton and 17 for McKinley. Outside of New York Morton had only three votes, 1 from Alabama and 2 from Florida.

Long before the Presidential vote was taken Morton’s friends began to talk of him for Vice-President. The Governor himself telegraphed his refusal of the second place, but the Platt men continued to talk of him, while their New York opponents carried on a vigorous campaign to keep Platt from getting the

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<sup>8</sup>Platt, *Autobiography*, p. 326.

<sup>9</sup>New York *Sun*, June 15, 1896.

<sup>10</sup>*Official Proceedings* of the convention.



prestige of the consolation prize. On June 17 Chairman Hackett said that Morton, if defeated for President, would be nominated for Vice-President despite Miller, and Louis F. Payn said that Morton's friends had counted up 387 votes for him for Vice-President. Before the ballot was taken, however, it was clear that McKinley and Hanna had no intention of involving themselves in the New York factional fight, and Morton after a period of silence, during which his friends had been ignoring his earlier dispatches, repeated his declaration, and New York went unanimously to the predestined McKinley candidate, Garrett A. Hobart, who was nominated on the first ballot.<sup>11</sup>

The strength of the gold sentiment in New York made the Republican nomination for Governor equivalent to an election, and brought to the State convention at Saratoga on August 5 a round dozen of candidates, the chief of whom was George W. Aldridge of Rochester, the Superintendent of Public Works. Aldridge was an organization leader and as such had been so strongly attacked in the independent press that Platt, after encouraging him, withdrew his aid in deference to Hanna's view that the nomination would be unwise. A movement was started for Platt himself, which gained great headway. Timothy E. Ellsworth wrote a letter favoring Platt. Lauterbach and Quigg urged him to accept, and General Tracy telegraphed in the same spirit. On the 23d, James J. Belden called at Platt's room and told him he must be the candidate. Platt, who did not regard Belden as a friend, said

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<sup>11</sup>New York *Tribune* and *Sun*, June 15-18, 1896.

that he would consider the matter when his friends advised.<sup>12</sup> Much to the dissatisfaction of Lauterbach, the tide was checked by Patrick W. Cullinan and a delegation from Oswego, which called on Platt and frankly told him that he ought not to be a candidate and subject the ticket to the burden of the attacks that would be made upon him as the party leader.<sup>13</sup> Nevertheless, late on the night of August 23 Platt said that he had promised his friends not to accept; "but what," he added, "can a man do when so many friends come and urge?"<sup>14</sup> The next morning Wadsworth, who was himself in the field, said: "I consider that he is now a candidate and is certain of a nomination."<sup>15</sup>

When the convention assembled Warner Miller was excluded in favor of Titus Sheard, who hoped that Platt would give him second place on the ticket. The anti-Platt delegates from the Third Oneida district were thrown out in order to give Hackett a reelection to the State committee. Belden was unseated in Onondaga, and one anti-Platt delegation from Westchester was excluded so as to drive Robertson from the State committee. Frank S. Black, the temporary chairman, a comparatively unknown man, gave the convention an unexpected oratorical treat. It was strongly, almost truculently partisan in its flavor, but full of epigrams and telling points. When the committee on credentials reported, Black denied Miller the floor on the technical

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<sup>12</sup>New York *Tribune* and *Sun*, August 24, 1896.

<sup>13</sup>Platt, *Autobiography*, p. 329.

<sup>14</sup>New York *Tribune*, August 24, 1896.

<sup>15</sup>New York *Tribune*, August 25, 1896.

ground that his name was not on the temporary roll. This narrow refusal to give a hearing to one of the most eminent Republicans startled even some of those who were prepared to vote against him. But the expressions of disapproval were stifled by Platt himself, who asked unanimous consent that Miller be allowed to state his case. Then the roller went over him.<sup>16</sup>

General Woodford was made permanent chairman. A platform was adopted indorsing McKinley, commending Morton's administration, praising the Raines law, and favoring the Greater New York plan and the construction of good roads. The first ballot for Governor resulted: Aldridge, 224; Fish, 111; Roberts, 95; Saxton, 72; Black, 36; Wadsworth, 55; Archie E. Baxter, 59; John Palmer, 39; Edgar T. Brackett, 33; Fassett, 21; Ellsworth, 21. The second ballot gave five votes for Benjamin B. Odell, Jr., three for Clarence Lexow, one for Frank Hiscock, and showed only trifling changes in votes for the other candidates. An adjournment was taken till the next morning.

That night Frederick S. Gibbs, national committee-man from New York, said that Platt must name the candidate before the convention met again, or take the nomination himself. In the interval between sessions a conference of the Platt leaders was held, which finally settled on Odell as the candidate by a vote of 11 leaders for him and 5 for Black. But Louis F. Payn, who was managing Black's campaign, still continued his work. After a private talk with Payn, Platt remarked casually to some of the leaders that Black

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<sup>16</sup>New York *Tribune and Sun*, August 26, 1896.

might be the strongest candidate, and a further conference was held on the subject.<sup>17</sup> When the third ballot was taken in the morning many delegates were evidently still in doubt whether the choice was to be Black or Odell, but it was clear that Aldridge's star had set, although his vote was larger than before. The ballot was: Aldridge, 242; Fish, 119; Roberts, 38; Saxton, 15; Black, 154; Wadsworth, 42; Baxter, 51; Fassett, 6; Ellsworth, 9; Odell, 82. By the next ballot, however, word was passed and Black was nominated, receiving 675 votes to 6 for Fish and 77 for Aldridge. Timothy L. Woodruff of Kings was nominated for Lieutenant-Governor, receiving 541 votes to 176 for Nevada N. Stranahan of Oswego and 41 for Titus Sheard. Irving G. Vann of Onondaga was unanimously nominated for Judge of the Court of Appeals.

The Democrats met at Saratoga on June 24 to choose delegates to the national convention called to meet in Chicago on July 7. McKinley's nomination on the gold platform and the withdrawal of some delegations from the silver States from the St. Louis convention made the turn of the Chicago convention to silver almost inevitable. Cleveland had waged a losing fight against silver inflation in his own party. He had put through the repeal of the Silver Purchase act only with Republican aid, and at the end of his administration he met defection even in his cabinet, Hoke Smith, the Secretary of the Interior, becoming a convert to silver.

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<sup>17</sup>New York *Sun* and *Tribune*, August 26, 27, 1897; conversation of Mr. Odell with the writer, June 25, 1917.



Still, on the eve of the convention the President declared: "I refuse to believe that when the time arrives for deliberate action there will be engrafted upon our Democratic creed a demand for the free, unlimited coinage of silver."<sup>18</sup> The New Yorkers still avowed their devotion to honest money. Mayor John Boyd Thacher of Albany, the temporary chairman, quoted to the delighted delegates Platt's attacks upon McKinley and derided Republican loyalty to sound money. He faced difficulty over the silver question, but urged that it was the duty of the Democracy to speak clearly on the subject and told the delegates that they must go to Chicago in a spirit to persuade their erring silver brethren. The platform favored bimetallism, arguing that free coinage would debase the currency to a silver standard and make free bimetallism impossible. The convention opposed as a permanent financial policy gold monometallism on the one hand and silver monometallism on the other. But it declared for the maintenance of the gold standard until international bimetallism could be secured. David B. Hill, Edward Murphy, Jr., Roswell P. Flower, and Frederic R. Coudert were chosen delegates-at-large. Murphy was in ill-health, and the alternate chosen as his substitute was Jacob A. Cantor. The Shepard faction from Brooklyn and the Gleason delegates from Queens were excluded.<sup>19</sup>

At Chicago the New Yorkers found themselves in a hopeless minority. William C. Whitney gave up a trip to Europe and directed their forces in an effort

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<sup>18</sup>New York *Times*, June 18, 1896.

<sup>19</sup>New York *Times*, June 25, 1896.

to stem the tide.<sup>20</sup> The national committee put forward Hill for temporary chairman, but the silver minority of the committee named Senator John W. Daniel of Virginia and carried the convention for him. Hill took a leading part in the fight against a silver platform and, when beaten in the committee, carried the question to the floor of the convention, where the minority financial report was voted down, 626 to 303, and a minority resolution asking a Democratic convention to indorse the administration of President Cleveland, the only Democratic President in a generation, was defeated, 564 to 357. Hill offered two more amendments to the platform, one making payment under existing contracts conform to the gold standard, and the other setting a limit of one year for free coinage at 16 to 1 in case other nations did not in the meantime adopt it. These were voted down without division and the platform was adopted, 628 to 301.<sup>21</sup>

The New York delegation, together with 106 delegates from other States, thereafter took no part in the deliberations of the convention, although they retained their seats, and a few of these delegates from other States voted on some of the ballots. For several ballots Richard P. Bland of Missouri, a veteran advocate of silver, led the thirteen candidates, but he was outstripped by a dark horse, William J. Bryan, who came to the convention as a contesting delegate and was seated only after the committee on credentials had thrown out the gold delegation from Nebraska. He

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<sup>20</sup>New York Times, June 17, 1896.

<sup>21</sup>Official Proceedings of the convention.

had thrilled the body by a burst of oratory containing the famous "crown of thorns" and "cross of gold" figure. Bryan was nominated for President on the fifth ballot. Arthur Sewall of Maine was nominated for Vice-President on the fifth ballot.

The New York Democrats faced a distressing dilemma. Many of their leaders had sincere convictions against the silver standard. More of them had a keen sense of the hopelessness of a silver campaign in New York. But their stock in trade had been party regularity. Hill and Tammany, by appeals for party loyalty, had forced reluctant Democrats to support them against popular sentiment. Now they must stand by the regular candidates and platform. It was more than a matter of consistency. A bolt would surrender the regular party machinery into other hands, and without that their occupation was gone. And if, though defeated in New York, Bryan won the Presidency, they as bolters would be in a hopeless case. So with perfectly frank cynicism, at Buffalo on September 17 they took back everything they had said at Saratoga in June. Thomas F. Grady was put forward to voice Tammany's conversion, and H. B. Rockwell followed him as permanent chairman. The convention unreservedly indorsed Bryan and the Chicago platform and declared "as its deliberate judgment that never in the history of the Democratic party has a platform been written which embodied more completely the interest of the whole people, as distinguished from those who seek legislation for private benefit, than that given to the country by the national Democratic convention of

1896." A convention that could make that somersault not unnaturally thought consistency a negligible virtue in its candidates, so it responded favorably to the aspirations of John Boyd Thacher, who had sounded the keynote for gold in the June convention. William Sulzer, whose financial opinions were not embarrassing, and who was sympathetic with the new radicalism of the party, sought the nomination, but Tammany would have none of him. Thacher received 332 votes to 88 for Sulzer and 20 for Wilbur F. Porter of Jefferson, who afterward was nominated for Lieutenant-Governor. Robert C. Titus of Erie was nominated for Judge of the Court of Appeals.<sup>22</sup>

Thacher on September 19 issued a letter declaring his adhesion to the gold standard, explaining that he had been isolated at his country home and had not known of the convention's silver platform at the time of his nomination. Nevertheless, he showed a willingness to run and make the fight on other issues, if the party should be satisfied.<sup>23</sup> The party, however, was not satisfied. Three days later Grady brought forward a resolution in the State committee asking him to withdraw.<sup>24</sup> Hill prevented its passage, but it served its purpose, as Thacher then declined to run. Porter was promoted to the first place on the ticket and Frederick S. Schraub of Lewis was substituted for Lieutenant-Governor.<sup>25</sup>

The Gold Democrats, under the leadership of

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<sup>22</sup>New York *Times*, September 17, 18, 1896.

<sup>23</sup>New York *Times*, September 20, 1896.

<sup>24</sup>New York *Tribune*, September 23, 24, 1896.

<sup>25</sup>New York *Tribune*, September 29, 1896.



Charles S. Fairchild, Edward M. Shepard, Oswald Ottendorfer, Francis M. Scott, Charles Tracey of Albany, ex-Mayor Bishop of Buffalo, and Charles J. Bissell of Rochester, held a convention at Syracuse on August 31 and sent delegates to the National Democratic convention which met at Indianapolis on September 2, with Roswell P. Flower as temporary chairman, and nominated General John M. Palmer of Illinois and General Simon B. Buckner of Kentucky for President and Vice-President.<sup>26</sup> The second State convention of the Gold Democrats, held in Brooklyn on September 24, nominated Daniel G. Griffin of Jefferson for Governor, F. W. Hinrichs of Kings for Lieutenant-Governor, and Spencer Clinton of Erie for Judge of the Court of Appeals.<sup>27</sup>

As Bryan's nomination had alienated gold Democrats, so McKinley's nomination drove off Republicans from the silver States, who held a convention at St. Louis on July 22 and indorsed Bryan. The Populists at the same time and place also indorsed Bryan, but nominated Thomas E. Watson of Georgia for Vice-President. The Socialist Labor party held a convention in New York on July 6 and nominated Charles H. Matchett of New York for President and Matthew Maguire of New Jersey for Vice-President. On May 27 the Prohibitionists met in Pittsburgh and nominated Joshua Levering of Maryland and Hale Johnson of Illinois, on a straight prohibition platform, while a large minority under the leadership of John P. St. John

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<sup>26</sup>*Appleton's Annual Cyclopedic*, 1896, p. 769.

<sup>27</sup>*New York Tribune*, September 25, 1896.

withdrew to another hall after the planks favoring free coinage, an income tax, and government control of railroads and telegraphs had been rejected. This faction organized as the National party and nominated Charles E. Bentley of Nebraska and James H. Southgate of North Carolina.<sup>28</sup>

Both the leading political parties thus entered the campaign with large bodies of their former adherents seeking new alliances. McKinley, who had started out with the idea that the tariff would be the leading issue, soon found himself the champion of the gold standard. Before the Chicago convention the Gold Democrats had made much of Republican reluctance to offend the silver States. The New York *Evening Post*, facing the prospect of McKinley's nomination and election, declared that it would be to foreign investors "proof positive that we mean to go down into the pit and reach rationality and sound finance through a panic."<sup>29</sup> But with Bryan going about calling the east "the enemy's country," the Gold Democrats soon gave up all pretense that the Palmer and Buckner ticket was intended to be anything but an aid to McKinley by offering a refuge for those who could not be brought to vote a Republican ticket. Great numbers of Democrats openly supported McKinley. W. Bourke Cockran made the most notable speech of the campaign in New York to an audience that packed Madison Square Garden and listened intently, even in the farthest gallery, to a remarkably clear and eloquent exposition

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<sup>28</sup>*Appleton's Annual Cyclopedic*, 1896, p. 759.

<sup>29</sup>*New York Evening Post*, May 11, 1896.



BENJAMIN FRANKLIN TRACY

Benjamin Franklin Tracy; born Owego, Tioga county, N. Y. April 26, 1830; admitted to the bar, May 1, 1857; district attorney of Tioga county, 1853-1859; one of the founders of the republican party in New York; member of assembly 1861-1862; in July and August 1862 raised the 109th and 137th New York volunteers and made colonel of 109th New York; brigadier general, 1865; United States attorney for eastern district of New York, 1866-1873; judge of the court of appeals, New York, 1881-1882; secretary of the navy under President Harrison, 1889-1893; president of the New York charter commission of Greater New York; defeated for mayor of Greater New York, 1907; died New York City, August 6, 1915.







ARCHIE EASTON BAXTER

Archie Easton Baxter, clerk of assembly; born in Port Glasgow, Scotland, December 16, 1844; educated in public schools of New York City, Corning academy, Albany law school, graduating 1879; enlisted Co. E, 141st regiment N. Y. Vol's; afterward adjutant and lieut. col. of 106th reg. national guard, state of New York; county clerk Steuben county, 1875-1878; admitted to the bar, 1879 practicing Elmira, N. Y.; republican candidate for congress, 1882; county clerk Chemung county, 1883; U. S. marshal, northern district New York, 1889-1893; delegate national republican convention, 1896; clerk state assembly, 1895-1907.



of the commonly dull questions of finance. In the same spot Tammany gave Bryan a noisy welcome, but his reception in New York was disappointing to his followers, who had hoped that his appeals to radicalism and class jealousies could arouse the eastern wage-earners. On the eve of the election, business men of all parties rallied for a gigantic "sound money parade," which was one of the most impressive demonstrations of popular sentiment ever seen in the city.

The Republicans swept the country, giving McKinley 271 Electoral votes to 176 for Bryan. The popular vote was: McKinley, 7,035,638; Bryan, 6,467,946; Palmer, 131,529; Levering, 141,676. McKinley carried New York by 268,325 plurality. The vote was: McKinley, 819,838; Bryan, 551,513; Palmer, 18,972; Levering, 16,075; Matchett, 17,731. The Republicans carried their State ticket by over 200,000 plurality. Black received 787,576, Porter 574,524, Griffin 26,698, William W. Smith (Prohibition) 17,449, Howard Balkam (Socialist Labor) 18,362. The Republicans elected 29 of the 34 Congressmen, the five Democrats all being from New York City. Of the Assemblymen 114 were Republicans, while only 35 Democrats and 1 Independent Republican were chosen. A constitutional amendment providing for the exchange of lands in the Forest Preserve between the State and private owners and for leases of cottage sites was defeated by a vote of 710,505 to 321,486.

## CHAPTER II

### VAN WYCK ELECTED MAYOR OF GREATER NEW YORK

1897

THE great Republican sweep opened the way for Platt's return to the Senate, from which he had resigned in 1881. He completely dominated the organization, had an overwhelming majority in the new Assembly, over which he made James M. E. O'Grady, of Monroe, Speaker, and controlled the hold-over Senate, with Ellsworth as its leader. The incoming administration was not disposed to court trouble by aiding the men who raised the McKinley standard in New York in any fight upon Platt. The anti-Platt Republicans put Joseph H. Choate in the field for Senator. He ran without any idea of being elected, to give the independent sentiment a chance for expression. Platt says that he was forced into the Senate by Morton, Black, and others, and suggests that he might not have opposed Choate except that his candidacy was made a vehicle of assault on himself.<sup>1</sup> But Platt's candidacy had long been foreshadowed, and the idea of his organization of its own accord turning to Choate had

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<sup>1</sup>Platt, *Autobiography*, p. 335.



never been even hinted at by its managers and was scarcely thinkable.

An enthusiastic meeting of Republicans in Brooklyn, led by the Rev. Dr. Richard S. Storrs, declared for Choate, and resolutions indorsing him were passed by the Union League Club of New York, though a minority afterward issued an address protesting against the injection of what they considered factional politics into the club.<sup>2</sup> When the Republican caucus met on January 14, Senator George W. Brush of Brooklyn presented Choate's name and Assemblyman William Cary Sanger of Oneida seconded it. At Platt's request his friends made no speeches, but were content to vote in silence. Platt was nominated, 142 to 7, the men who stood out against the organization being Senators Brush, Pavey, and Tibbits, and Assemblymen Sanger, Bates of Tompkins, Laimbeer of New York, and Robbins of Allegany.<sup>3</sup>

At the Democratic caucus on January 18 David B. Hill received 36 votes for the minority nomination. Wilbur F. Porter of Watertown had 3 and Robert C. Titus of Buffalo 2, while three Senators and two Assemblymen withdrew from the caucus on account of Hill's opposition to the Chicago platform.<sup>4</sup> Titus's support came from the followers of Norman E. Mack, who was carrying on a contest for the organization leadership in Erie county against Hill's friend Sheehan. The next day in the two houses Platt

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<sup>2</sup>New York *Tribune*, January 12, 1897.

<sup>3</sup>New York *Tribune*, January 15, 1897.

<sup>4</sup>New York *Tribune*, January 19, 1897.

received 147 to 42 for Hill and 4 for Henry George, cast by the Democrats who had refused to enter the caucus. They were Senators Coffey of Brooklyn and Guy of New York, and Assemblymen Cain and Zurn of Brooklyn. Senator McNulty of Brooklyn was absent when the vote was taken, but announced that if present he would have voted for Andrew McLean, the editor of the Brooklyn *Citizen*.<sup>5</sup>

Platt's election to the Senate made difficult any recognition of his enemies who had led the fight for McKinley in New York. Whitelaw Reid, as the most distinguished of this group, was proposed for Secretary of State, and, after the selection of John Sherman was determined upon, for some other cabinet office or for Ambassador to England. McKinley, early in his campaign for the nomination, had suggested to Reid that he be again the candidate for Vice-President, an invitation that was declined, but the President-elect hesitated to begin his term by emphasizing factional differences in the Empire State. Accordingly a statement was given out at Canton expressing regret that Reid's health would not permit him to join the administration<sup>6</sup> and, instead, Cornelius N. Bliss was selected as the New York representative in the cabinet. He at first declined, but finally accepted the Interior portfolio.<sup>7</sup> Platt had been favorable to the claims of Stewart L. Woodford, but he waived his opposition to Bliss, who from that time ceased to antagonize Platt and

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<sup>5</sup>New York *Tribune*, January 19 and 20, 1897.

<sup>6</sup>New York *Tribune*, February 27, 1897.

<sup>7</sup>New York *Tribune*, March 4, 1897.

used all his influence to heal factional strife and secure for McKinley's administration united party support. The London embassy was offered to Depew and accepted. But McKinley suddenly grew cold toward him, as the result, he subsequently learned, of an intrigue in the interest of a candidate for a minor foreign mission.<sup>8</sup> Too many New Yorkers were in the field. So, to remove one, remarks of Depew were misquoted to give an impression of disloyalty and bad taste. McKinley, who believed the reports, was naturally incensed and, turning from New York, appointed his friend John Hay, who had been an advocate of Reid.<sup>9</sup> Later, when the President learned of the deception practiced upon him with regard to Depew's remarks, he made amends by offering the Berlin embassy, but it was declined. Andrew D. White went to Berlin, General Horace Porter to Paris, and General Woodford to Madrid. The minor Federal appointments in New York for the most part went to Platt's friends, and throughout McKinley's administration harmony prevailed between the administration and the Platt organization.

Governor Black began his administration in a spirit of assertive partisanship. In his inaugural address, which displayed his habitual command of interesting and forcible words, he took a defiant attitude toward what he called "intolerant clamor."<sup>10</sup> He gave the impression that he would be a strong Governor, and he

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<sup>8</sup>Statement of Mr. Depew to the writer, June 15, 1917.

<sup>9</sup>William Roscoe Thayer, *Life of John Hay*, II, p. 155.

<sup>10</sup>New York *Tribune*, January 2, 1897.

proved to be strong in the sense of being firm in the pursuit of his clear, thoughtful, but somewhat narrow policies and in loyalty to his own friends. He antagonized the independent sentiment of the State by nominating his political patron, Louis F. Payn, to be Superintendent of Insurance. Payn was attacked as a lobbyist and a bitter fight was made against his confirmation, but without avail, though nine Republican Senators, Brush, G. A. Davis, Higgins, Humphrey, Mullin, Pavey, Tibbits, White, and Wray joined eleven Democrats in voting against him.<sup>11</sup>

In his message the Governor made an attack upon the merit system as administered, declaring, "Civil service will work better with less starch," and in line with his wishes the Legislature proceeded to take out the starch by an act giving the appointing officer equal powers with the Civil Service commission in the preparation of the lists. The Constitution calls for examinations to determine "merit and fitness." The Governor, treating "merit" and "fitness" as different things, gave the commission power to examine for merit and then let the appointing officer make the rating for fitness, which was to have equal weight with the rating for merit. Thus any candidate who had passed the "merit" examination at all, could be rated by the appointing officer so as to be reached or disqualified for appointment, as he wished.<sup>12</sup> A charter for the new Greater New York was put through, despite many local outcries, and signed by the Governor. He also

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<sup>11</sup>New York *Tribune*, February 3, 1897.

<sup>12</sup>Lincoln, *Messages from the Governors*, IX, pp. 749, 756.



approved a measure extending to primaries the protection against fraud and bribery already applying to elections. He refused to sign a bill imposing a graduated inheritance tax, taking the ground that the graduation of the tax rate according to the wealth of the taxpayer violated fundamental principles of democratic equality. The Governor determined to push the State Capitol to completion, and the Legislature, superseding the Capitol commission, ordered the work to be done by contract by February 1, 1898, under the direction of the Superintendent of Public Works.<sup>13</sup>

The only State officer to be chosen at the fall election was a Chief-Judge of the Court of Appeals to succeed Charles Andrews. Both of the leading parties nominated through their State committees. The Democratic committee on September 15 pointedly ignored the Chicago platform and nominated Alton B. Parker of Ulster.<sup>14</sup> He had been Surrogate of his county, manager of Hill's first campaign for Governor, and afterward a Justice of the Supreme Court and a member of the Second division of the Court of Appeals. The Republican committee met in New York on September 18, issued an address in favor of the gold standard, and nominated United States Circuit Judge William J. Wallace of Albany.<sup>15</sup>

Interest in the first municipal campaign for the control of Greater New York overshadowed the State

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<sup>13</sup>Notes on the items in annual message of 1897, Lincoln, *Messages from the Governors*, IX, p. 745 *et seq.*

<sup>14</sup>New York *Tribune*, September 16, 1897.

<sup>15</sup>New York *Tribune*, September 19, 1897.

election. Early in the summer independent citizens organized to perpetuate the reforms accomplished in New York under Mayor Strong and in Brooklyn under Mayors Schieren and Wurster, and to keep the enlarged city from falling into the hands of Tammany Hall, over which, just before election, Richard Croker, after a period of retirement abroad, took back the leadership from John C. Sheehan. The predominant sentiment among the independents favored Seth Low, former Mayor of Brooklyn and then president of Columbia University. The more radical reformers, urged on by the *New York Times*,<sup>16</sup> manifested a difficult attitude toward coöperation with the Republican organization, which had to be relied on for the bulk of the votes to defeat Tammany. The *Tribune*, while favoring Low, sought to bring the Republican organization to him instead of driving it away. The *Sun* became the most extreme advocate of the Platt partisan policy. A great many organization Republicans were convinced that municipal non-partisanship was bad both for the city and the party, and that in the long run a straight ticket, even if unsuccessful, would best serve the public welfare by building up a strong party in New York City. But the Republicans in frequent platform utterances and in remodeling the Constitution, had encouraged the non-partisanship theory of city administration; so the organization had no consistent basis of party principle to stand on. The greater part of the independents probably stood ready to seek fusion with the

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<sup>16</sup>See *Times* of August 8, 15, and 26, opposing conference with the Republicans or any delay to secure their support.

Republicans on Low. But the attitude of Platt, Lauterbach, and Quigg, his successor as county chairman, in opposition to "any more non-partisan enterprises," led the independents, who had formed the Citizens' Union, to believe that the Republicans would not name Low but would try to force the Citizens' Union to accept somebody else if action by the Republican convention was awaited.<sup>17</sup> So, despite the pleas of Republican newspapers and individuals that they give still further opportunity to bring the Republican organization into line, the Citizens' Union on September 1 nominated Low for Mayor and later Charles S. Fairchild, ex-Secretary of the Treasury, for Comptroller.<sup>18</sup>

Fully half of the Republicans in the city favored the nomination of the same ticket, and Jacob Worth made a fight for it in Kings county<sup>19</sup> despite the fact that Platt had threatened to overthrow him for advocating Low even in the preliminary stages of the discussion. Platt's previous experience with fusion tickets had convinced him that a Republican Mayor elected on a fusion ticket was not a particularly valuable party asset. Platt and his friends, who dominated the organization, took the position that the party had been insulted by the action of the Citizens' Union in anticipating its nomination. They also professed to see an issue of sound money and support of the McKinley administration in a straight party campaign, although at the same time in

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<sup>17</sup>New York *Tribune*, September 1 and November 13, 1897.

<sup>18</sup>New York *Times*, September 2 and October 5, 1897.

<sup>19</sup>New York *Tribune*, November 13, 1897; New York *Times*, August 8, 1897.

Syracuse the Republican organization under the leadership of Francis Hendricks indorsed for Mayor a candidate put up in advance by a Citizens' Union on a platform of municipal non-partisanship,<sup>20</sup> and in Utica State Chairman Hackett carried the Republicans to the support for Mayor of a Democrat first nominated by petition on a non-partisan platform. Low was urged not to accept the Citizens' Union nomination until after the Republican convention, but he held that to yield to any such plea of expediency would be to deny the right of independent action in municipal elections. He would have preferred that the Citizens' Union wait, but when it had acted he could not take the position that the exclusive or paramount privilege of nominating for municipal offices belonged to the national parties.<sup>21</sup>

Notwithstanding the efforts of many Republicans to bring about fusion, and the certainty that a separate nomination would mean giving over to Tammany the greater city which the Republicans had created, Platt persisted in making a partisan campaign. The *New York Herald* on October 7 quoted him as saying: "I would rather see the Tammany ticket elected than to have Seth Low chosen as Mayor." This only echoed the declaration by Lauterbach as early as April 15 for a partisan ticket, even if it were to be defeated, and his statement: "Better have as Mayor a true Democrat, even a Tammany man, than a man responsible to no party."<sup>22</sup> On September 28 the Republican city

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<sup>20</sup>*New York Tribune*, October 13 and 19, 1897.

<sup>21</sup>Conversation of Mr. Low with the writer, November, 1897.

<sup>22</sup>*New York Tribune*, November 13, 1897.



convention nominated General Benjamin F. Tracy for Mayor and Ashbel P. Fitch for Comptroller.<sup>23</sup> Tracy accepted the nomination with great reluctance, hoping that he might be the means of effecting an anti-Tammany combination on some third candidate. But the Citizens' Union would not consent to any compromise based on proscription of Low. The Democrats nominated Robert A. Van Wyck, a Judge of the City Court, for Mayor, and Bird S. Coler, a young banker, for Comptroller.<sup>24</sup> On October 1 a body of anti-Tammany Democrats, who could not bring themselves to support Low, organized as the Jeffersonian Democracy and nominated Henry George for Mayor and Charles W. Dayton, who had been postmaster of New York, for Comptroller.<sup>25</sup> A few days before the election Henry George died suddenly, and his place on the Jeffersonian ticket was taken by his son, Henry George, Jr.

A campaign of extreme bitterness followed. The Republican organization especially attacked Low and made a strong plea for party regularity and support of the national administration. Tammany, largely ignoring Tracy, turned its chief attention to Low. The supporters of Low on the other hand sought to persuade Republicans that no party issue was at stake and that the Republican organization's opposition to Low was entirely selfish. Low's popularity in Brooklyn and the lack of effective organization in Manhattan cost the

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<sup>23</sup>New York *Times*, September 29, 1897.

<sup>24</sup>New York *Tribune*, October 2, 1897.

<sup>25</sup>New York *Times*, October 2, 1897.

Republicans a substantial part of their regular vote. In many districts the Republican vote fell far below even the party enrollment. Van Wyck was elected Mayor of Greater New York by over 80,000 plurality, though he lacked 30,000 of a majority of the total vote. The vote was: Van Wyck, 233,997; Low, 151,540; Tracy, 101,863; George, 21,693; Lucien Sanial (Socialist Labor), 14,467; William T. Wardwell (Prohibition), 1,359; Alfred B. Cruikshank (United Democracy), 615; Patrick J. Gleason (Independent), 1,023. The Republican State and legislative ticket suffered from the wreck of the New York organization. The chief losses were in New York City, but disapproval of Platt's methods by Independent Republicans throughout the State was reflected in the falling off of the Republican vote in almost every section. Parker was elected Chief-Judge by more than 60,000 plurality, the vote being: Parker, 554,680; Wallace, 493,791; Theodore F. Cuno (Socialist Labor), 20,854; Francis E. Baldwin (Prohibition), 19,653. The Republicans maintained control of the Legislature, but their majority was greatly reduced. The Assembly stood: Republicans, 78; Democrats, 69; Independent Republicans, 2; National Democrat, 1. James M. E. O'Grady was reelected Speaker.

## CHAPTER III

### BLACK ABANDONED FOR ROOSEVELT

1898

THE showing of independent strength finally impressed Platt. In his *Autobiography* he says that the Choate movement against him in the Senatorial contest of 1897 set him thinking of the fate of Folger, and he determined to conciliate public sentiment.<sup>1</sup> He did not do it in the Mayoralty fight, and the result gave him still more reason for apprehension.

Nevertheless, his bitterness toward his newspaper critics was so great that he determined to restrict the press by a law subjecting it to prosecution—not for libel or specific offense against decency or order, already provided for, but on general principles, and prescribing penalties for any paper “which corrupts, depraves, degrades, or injures, or has a tendency to corrupt, deprave, degrade, or injure the minds or morals of the public.” In addition it gave private complainants official standing in prosecutions and made actual suppression of newspapers possible. This extraordinary measure, introduced by Ellsworth, was favored by

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<sup>1</sup>Platt, *Autobiography*, p. 367.

Crocker, and despite the protests of even the country newspapers, generally supporters of Platt, and the opposition of Governor Black, its passage was confidently predicted. David B. Hill, seeing the chance to riddle both Platt and Crocker, published a scathing attack upon the measure as unconstitutional and calculated only to serve the ends of politicians. A few days later Ellsworth announced that the "responsibility" in obedience to which he had introduced the bill had determined to drop it.<sup>2</sup>

The proof that Platt had followed a course in New York City that a large number of the Republican voters disapproved, aroused demands for more representative party machinery. Many New York district organizations were in need of entire reconstruction, according to the party constitution, because the party vote fell below the enrollment.<sup>3</sup> A body led by General Wager Swayne and Charles C. Beaman undertook to secure a reformed Primary law. Through the instrumentality of Elihu Root their demands and the concessions that Platt was willing to make were compromised, and the Legislature, which was still completely under Platt's control, with O'Grady in the Speaker's chair and Ellsworth leading the Senate, passed a Primary law that provided for official enrollment in the larger cities at the time of registration of all persons who expressed agreement with the principles of a party and an intention to act generally with it. The act intended that alignment at State and national elections should be the

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<sup>2</sup>New York *Times*, March 7 and 9, 1898; *Tribune*, March 18, 1898.

<sup>3</sup>New York *Tribune*, December 4, 7, 8, 20, 22, 1897.



test of party regularity, thus permitting independent action at municipal elections.<sup>4</sup> The Legislature authorized a commission to investigate the canal improvement. The cost had been originally estimated at \$9,000,000. Eight millions had been expended, but the work was not nearly done. On July 30 the commission reported that \$1,000,000 had been improperly spent and another \$1,500,000 had been used for making ordinary repairs properly to be charged to maintenance. The total cost of the improvement as planned would be \$21,000,000. Ex-Judge Edwin Countryman was then appointed to consider criminal proceedings. He recommended action against State Engineer Adams and Superintendent of Public Works Aldridge, not on any allegation of personal corruption but as responsible for the mismanagement, and on December 2 the latter, at his own request, was suspended by the Governor pending further proceedings.<sup>5</sup>

An extra session of the Legislature was called for July 11 to meet the State's problems growing out of the war with Spain. Appropriations of \$1,000,000 were made for the expenses of the New York troops in the war, and a law was passed enabling soldiers to vote. The first call of the Federal authorities was for National Guardsmen. Governor Black was opposed to thus disorganizing the Guard regiments, which might be needed at home, and putting special pressure on their

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<sup>4</sup>Conversations of General Swayne and Mr. Beaman with the writer, March 24, 1898; *New York Tribune*, March 5, 1898; *New York Times*, March 24, 1898.

<sup>5</sup>*New York Times*, December 1, 2, and 3, 1898.

members to enlist when their obligation was no greater than that of others. A second call opened the doors to other volunteers. The State sent over 20,000 men to the war. The Governor also asked the extra session to provide safeguards against election frauds, and as a result a bill was passed for absolute bipartisanship in election boards, and the office of State Superintendent of Elections was established with power to prevent election frauds in the metropolitan district with the aid of a force equally divided between the two major parties.<sup>6</sup> The Governor appointed to this place John McCullagh, who had been chief of the New York City police force when Theodore Roosevelt was president of the Police board under Mayor Strong and who had been removed early in Mayor Van Wyck's administration. This legislation awakened much criticism, but, however partisan its purpose, it resulted in a great diminution of fraudulent voting.

Profiting by the lesson that he was learning from the independents, Platt began to look about for a popular candidate to succeed Black. He had no personal objection to Black. The Governor had been faithful to him, and his occasional manifestations of independence had resulted from difference of opinion rather than from difference of aim between Black and the organization. But the Governor had served the organization too faithfully to be of further service to it. His unconcealed contempt for reformers, which some attributed to cynicism and others to hatred of cant, frightened even those whom it most pleased. "Black,"

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<sup>6</sup>Lincoln, *Messages from the Governors*, IX, p. 885.



FRANK SWETT BLACK

Frank Swett Black, 35th governor (1897-1898); born at Limington, Me., March 8, 1853; graduated from Dartmouth, 1875; editor Johnstown, N. Y., Journal for a short time and read law; later reporter for the Troy Whig; admitted to the bar in 1879; in practice at Troy until 1898 and after that in New York City; member of the 54th congress (1895-1897); governor of New York, 1897-1898; died, March 21, 1913.





says Platt, "offering no apologies for running a simon-pure party regime, planned a renomination and secretly nursed a hope that he would land the Presidency." But "'starchless' civil service, which put practically every Democratic office-holder out and installed a Republican organization man in his job, the appointment of Louis F. Payn as Superintendent of Insurance, and other ultra-partisan acts of the Black administration, while they popularized it with the organization workers aroused rebellion among the independents."<sup>7</sup> As early as April, Platt in an interview let fall the hint that Black's renomination was not certain and suggested that some hero might emerge from the Spanish War to take the Governorship. He mentioned Theodore Roosevelt, Francis Vinton Greene, and Frederick D. Grant as men who might achieve a reputation that would be a political asset.<sup>8</sup> It was Roosevelt who came back with the political asset.

From his early days in the Assembly, his name had been associated with the idea of clean politics. Under Mayor Strong he had worked to reform the police. As Assistant-Secretary of the Navy he had been foremost in preparing for the war. His organization of the Rough Riders touched popular imagination, and his disregard of red tape in seeking to protect the health of his troops chimed in with the then acute dissatisfaction with the conduct of the War department in meeting the emergency. All through the summer Odell, who succeeded Hackett as State chairman, kept urging upon

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<sup>7</sup>Platt, *Autobiography*, p. 367.

<sup>8</sup>Platt, *Autobiography*, p. 368.

Platt that the tide had turned against the Republican party, that the canal issue and general dissatisfaction would certainly defeat Black, and that Roosevelt was the available candidate. Platt was reluctant to take Roosevelt.<sup>9</sup> Finally, however, on August 19, he sent Quigg to Montauk, where the Rough Riders were encamped on their return from Cuba, and offered the support of the organization, which was promptly accepted.<sup>10</sup> The county leaders were sent for and told that Roosevelt was the man. Most of them obeyed instructions to elect delegates for him, though many of them were far from enthusiastic.

While the Republicans were talking Roosevelt, but before it was certain that Platt would nominate him, a group of independents, mostly of Democratic antecedents, determined to put him in the field under the emblem of the Citizens Union. This group met on September 9 at the City Club in New York and selected a State ticket, which was indorsed on September 12 by the Citizens Union. No objection was made to Roosevelt's running on the Republican ticket. The movement was partly intended to prevent Platt, should he feel so inclined, from deserting Roosevelt at the last moment. But it had an ulterior object, a fight on the rest of Platt's ticket and the weakening of his control over the Legislature. The Republican leaders objected to Roosevelt's having any partnership with such a movement, and on September 24 Roosevelt declined the Citizens Union

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<sup>9</sup>Statement of Mr. Odell to the writer, June 25, 1917.

<sup>10</sup>Platt, *Autobiography*, p. 368.

nomination,<sup>11</sup> saying that he could not in good faith run on a ticket that was in the main opposed to his prospective Republican fellow-nominees. The next day, John DeWitt Warner, on behalf of the Citizens' Union, issued a statement,<sup>12</sup> signed by Paul Fuller and Boudenot Keith, saying that Roosevelt had promised to stand unless he failed to receive the Republican nomination, that he was nominated on that pledge, and that it was not until September 20 that the Independents received word from him that he found himself in an "impossible position," after which a conference was held in which he announced his intention to decline. Although Seth Low and other leading men in the Citizens Union deprecated their course,<sup>13</sup> the managers of the organization determined to oppose Roosevelt, charging that he had surrendered to Platt, and on October 17 they substituted Theodore Bacon of Rochester as their candidate for Governor. Thomas M. Osborne of Auburn was their nominee for Lieutenant-Governor.

Although appearances favored Roosevelt, Black determined to carry his fight to the end. With the aid of Payn, Aldridge, and Edward Lauterbach he contested the district conventions, won nearly one-fourth of the delegates, and claimed many more. On the eve of the State convention his managers expressed great confidence and predicted that Roosevelt's name would never go before the convention. Word was brought to

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<sup>11</sup>New York *Times*, September 23 and 25, 1898.

<sup>12</sup>New York *Times*, September 26, 1898.

<sup>13</sup>New York *Times*, September 22, 1898.

Odell that Black had some ammunition which would make Roosevelt impossible, but he could not learn what it was. The suspicion crossed his mind that there might be some bar to Roosevelt's eligibility, and he telephoned to him at Oyster Bay asking if he had given up his residence in New York within the five years prescribed by the Constitution. He then learned that Roosevelt had in the spring of 1898 signed an affidavit that he was not a voter in New York City, but was then living in Washington. The year before he had objected to personal taxation in Oyster Bay because for several years he had been living and voting in New York City. Thus when Lauterbach and his associates called on Platt to lay before him evidence of Roosevelt's ineligibility, Platt was able coolly to tell them that he knew all about it and that their error would be made manifest in due time.

The assistance of Elihu Root and Joseph H. Choate was invoked. Choate thought Roosevelt clearly ineligible. At a conference of the Platt leaders, the feeling was general that Roosevelt could not safely be nominated, yet the organization was too far committed to him to retreat. With Roosevelt out of the way, Black would certainly be nominated and dominate the organization. Finally Odell asked how the question of eligibility could be tested. The answer was, by *quo warranto* proceeding, which could be brought only with the consent of the Attorney-General. He then suggested that, if Roosevelt should be elected, in all probability his associate on the ticket would be elected Attorney-General and he could be safely trusted not to bring any



such proceeding. Platt said that was the best law he had heard on the subject and they would go on and nominate Roosevelt.<sup>14</sup> To Root was entrusted the task of arguing for Roosevelt's eligibility before the State convention. This he did adroitly on its legal side, taking the ground that Roosevelt's residence in Washington as a public officer could not deprive him of his citizenship in New York. More persuasive were his moral argument and the letters that he read from Roosevelt to his counsel in the tax matter, in which he pointed out his unwillingness to surrender New York citizenship and his readiness to pay the tax if necessary, though he thought it unjust. He had signed the affidavit merely because the lawyer thought that was the proper way to deal with the question, and erroneous legal deductions from the facts, made in the affidavit, could not deprive him of his citizenship when he had no intention of giving it up.

The State convention was held at Saratoga on September 27. Sereno E. Payne was temporary and Horace White permanent chairman. Depew presented Roosevelt's name to the convention and Judge J. Rider Cady nominated Black. Lauterbach raised the question of eligibility, and Abraham Gruber made a humorous speech against Roosevelt. Both, however, had been privately warned that Roosevelt's nomination was an organization matter and that, while good-natured opposition and support of Black was all right, no bitter fight must be made on the question of residence after

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<sup>14</sup>Statements of Mr. Odell to the writer in 1903 and on June 25, 1917; Platt, *Autobiography*, p. 370 *et seq.*

Root had explained the organization's case.<sup>15</sup> After Root had spoken the Black men professed themselves satisfied that the doubt, to which they had called attention out of patriotic desire to prevent the party from making any mistake, had been cleared away. Lauterbach confessed that he had "been a bad boy and wanted to be forgiven," and his associates contented themselves with merely recording their loyalty to Black, who received 218 votes to 753 for Roosevelt.<sup>16</sup> Lieutenant-Governor Woodruff, who had declared that he would stand or fall with Black, thought better of it when Black's case was seen to be hopeless and accepted a renomination.<sup>17</sup>

The platform congratulated the country on the conclusion of the war with Spain and expressed confidence that the President would make a peace that would satisfy the conscience, judgment, and high purpose of the American people. It favored the upbuilding of a merchant marine, commended the Liquor Tax law, and dwelt with pride on the party's work for factory legislation and the protection of labor.

The Democrats entered the campaign with a general feeling that nothing but folly on their part could rob them of victory. They were handicapped, however, by the rivalries of Hill and Croker, and the determination

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<sup>15</sup>Statement of Mr. Odell to the writer, June 25, 1917.

<sup>16</sup>*New York Times*, September 28, 1898.

<sup>17</sup>The ticket was: Governor, Theodore Roosevelt, Nassau; Lieutenant-Governor, Timothy L. Woodruff, Kings; Secretary of State, John T. McDonough, Albany; Comptroller, William J. Morgan, Erie; Treasurer, John P. Jaeckel, Cayuga; Attorney-General, John C. Davies, Oneida; State Engineer, Edward A. Bond, Jefferson.

of the latter to extend his sway from the city to the State. Hill's favorite candidate was Elliot Danforth, the State chairman, who made an energetic canvass for votes in the rural counties. Other up-State candidates were Robert C. Titus of Buffalo, John B. Stanchfield of Elmira, and Mayor James K. McGuire of Syracuse. Croker did not openly declare for any candidate, but a movement for Mayor Robert A. Van Wyck was well organized in Tammany. The State convention met at Syracuse on September 28 under the temporary chairmanship of Frederick C. Schraub. Hill was victorious in seating friendly delegates from Erie and Monroe, while Croker alienated uncontested delegates in the western part of the State by Tammany's attitude in the committee on credentials.<sup>18</sup> It was soon clear, however, that Hill was not master of the situation. The balance of power lay with Hugh McLaughlin, who had generally been against Tammany, but who, with the consolidation of Brooklyn with New York, found it expedient to reach a working agreement with the predominant partner in city politics. McLaughlin was not at Syracuse, but his interests were represented by James Shevlin and by Senator Patrick H. McCarren, who was more inclined than Shevlin to work with Croker.

The convention waited over night without any idea who its candidate for Governor would be, while Hill and Croker in conference sought an agreement. Hill would not consent to Mayor Van Wyck, and Kings county would not support him in nominating Danforth

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<sup>18</sup>New York *World*, September 29, 1898.

or any one of his up-State friends. Croker finally agreed to the suggestion from Kings of Justice Augustus Van Wyck of that county, a brother of the Mayor and an adherent of the regular Democratic organization in Brooklyn, whose principal political asset was that he had been out of the political strife and could carry the prestige of his judicial office into the campaign. The selection came as a complete surprise. When the convention assembled word was passed to wearers of Robert Van Wyck buttons that they were to vote for Augustus, though many of them were not sure of his name and confused it with that of his brother in voting.<sup>19</sup> The ballot stood: Augustus Van Wyck, 351; John B. Stanchfield, 41; Robert C. Titus, 39; James K. McGuire, 19.<sup>20</sup>

The platform denounced the McKinley administration for abuses of army appointments, attacked Governor Black and Adjutant-General Tillinghast for their management of National Guard affairs during the war, indicted the State administration for mismanagement of the canals, and expressed opposition to all attempts to free personal property from the general property tax. The notorious inequality of personal property assessments and the impossibility of equitably taxing such property on the same basis as real estate was at that time under general discussion.

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<sup>19</sup>New York *Times*, September 30, 1898.

<sup>20</sup>The ticket was: Governor, Augustus Van Wyck, Kings; Lieutenant-Governor, Elliot Danforth, Chenango; Secretary of State, George W. Batten, Niagara; Comptroller, Edward S. Atwater, Dutchess; Treasurer, Elliott P. Norris, Wayne; Attorney-General, Thomas F. Conway, Clinton; State Engineer, Martin Schenck, Rensselaer.



A body of Silver Democrats, owing to the neglect of the regulars to affirm the Chicago platform, held a convention in New York City on September 30 with Henry W. McDonald acting as chairman, and nominated Henry George, Jr., for Governor and a full ticket. George declined and McDonald was substituted, but this ticket was not afterward heard of in the campaign.<sup>21</sup>

Roosevelt's candidacy awakened great enthusiasm, but he faced an uphill fight. The national administration had to bear the burden of all the mistakes due to entering a war in a state of unpreparedness. The State administration was unpopular, and Roosevelt had to face the charge that his independent reputation was being used as a blind to keep the same old organization in power. On the other hand, the nomination of Van Wyck made the cry of Tammany domination of the State effective. He was represented as merely a substitute for his brother, who could be as safely counted on in Albany by Croker as Robert was in New York. And the Mayor's administration, as well as his personality, were being much criticised. The contest was so close that Van Wyck might perhaps have been elected had it not been for a final stroke of folly on the part of Croker in refusing to renominate for the Supreme Court Justice Joseph F. Daly, because he had declined to appoint a clerk at Croker's dictation. Croker defined his attitude toward the obligation of Judges in a statement: "Judge Daly was elected by Tammany Hall, after he was

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<sup>21</sup>*Appleton's Annual Cyclopaedia*, 1898.

discovered by Tammany Hall, and Tammany Hall had a right to expect proper consideration at his hands.”<sup>22</sup> At first Croker had based his action solely on politics and spoken well of Daly’s character, but put on the defensive he sought escape by declaring that he had “not been an upright judge,” which nobody believed.<sup>23</sup> The attempt to punish Judge Daly aroused the Bar Association to make a vigorous fight in his behalf. The Republicans put him on their ticket and he ran 5,000 ahead of Justice William N. Cohen and 11,000 ahead of Henry W. Taft, his associates, though all three were defeated. This vote, however, by no means measured the influence of the Daly issue, for the attempt of Croker to dominate the official action of Judges was the theme of spellbinders and newspapers all over the State and added to the fear of Tammany’s extending its power through the State.

Roosevelt won by a plurality of 17,786. The vote was: Roosevelt, 661,707; Van Wyck, 643,921; John Kline (Prohibition), 18,383; Benjamin Hanford (Socialist Labor), 23,860; Theodore Bacon (Citizens’ Union), 2,103. Woodruff was reelected by 9,661 plurality, and the other Republican State candidates won by small margins. The Republicans elected 16 Congressmen and the Democrats 18. Twenty-seven Republican and 23 Democratic Senators were elected. The Assembly stood 86 Republicans to 63 Democrats, with one vacancy

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<sup>22</sup>New York *Tribune*, October 16, 1898; *International Year Book*, 1898, p. 650.

<sup>23</sup>New York *Times*, October 25, 1898.

## CHAPTER IV

### THE "SHELVING" OF ROOSEVELT

1899-1900

G OVERNOR ROOSEVELT began his administration with energetic efforts for reform. His policy was that of "practical idealism," which, while it failed to meet the demands of visionaries, held political powers in line for moderate advances. In Albany, as later in Washington, he acted on a consistent theory of opportunism, which he thus once explained to Viscount Morley: "I must try not to quarrel with Congress; if I do, I'm no use; Cleveland broke with Congress and it was the ruin of him." He avoided antagonizing the organization and consulted it as to appointments, but in large measures of policy used his power and prestige to force his measures through a reluctant Legislature, which was completely under Platt's domination. S. Frederick Nixon of Chautauqua was chosen Speaker, and continued as such until his death in 1905. By his forceful personality and personal popularity he absolutely controlled the Assembly organization and made it an effective instrumentality in advancing measures and policies supported by the State organization under the leadership of Platt and later of Odell.

The predetermined Republican candidate to succeed Senator Murphy was Chauncey M. Depew, who was popular with the party workers all through the State. Platt desired a Senator who had the oratorical powers that he lacked and who at the same time had no ambition to manage the machinery. Before committing himself to Depew, however, he told Odell that his services merited reward and offered him the place.<sup>1</sup> Odell declined to be a candidate and himself favored Depew, who had no opposition in the Republican caucus. He was elected Senator on January 18, receiving 111 votes to 83 for Murphy, whom the minority renominated. For Commissioner of Public Works, Roosevelt selected Colonel John N. Partridge of Brooklyn, who had been Police Commissioner under Seth Low and was one of his supporters in the campaign of 1897. He sought to carry out his promises with regard to canal reform by naming two Democratic lawyers, Austen G. Fox and Wallace MacFarlane, to study the report of the Black commission and ex-Judge Countryman's report upon the advisability of criminal prosecutions. They reported that no prosecutions were practicable owing in some cases to the statute of limitations and in others to the wide discretion given to the Superintendent of Public Works in the formulation of contracts. But they declared that the evidence clearly showed delinquencies that merited condemnation.<sup>2</sup> The Governor also appointed a Greene Commission

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<sup>1</sup>Statement of Mr. Odell to the writer, June 25, 1917.

<sup>2</sup>New York *Tribune*, July 20, 1899; Lincoln, *Messages from the Governors*, X, p. 78.



consisting of Major T. R. Symonds of the United States Engineers, John N. Scatchard, George C. Green, Frank S. Witherbee, and General Francis Vinton Greene to consider the future canal policy. This commission reported next year in favor of a one thousand-ton barge canal at an estimated cost of \$60,000,000, and an act was then passed for a detailed survey, which resulted in the project for spending \$101,000,000 on the enlargement of the canals.<sup>3</sup> This was approved by the Legislature of 1903 and adopted by the people in the November election of that year.

In his first annual message Roosevelt took issue with Black's civil service policy, saying: "The inquiries I have made have satisfied me that the present law works badly from every standpoint, and the half-mark given upon the so-called fitness test represents not a competent examination at all, but the individual preference of the appointing officers, or rather of the outsider who has requested the appointment."<sup>4</sup> He held that it would be better to give a frank non-competitive examination than to continue such favoritism, which did great injustice to candidates who were summoned to Albany from distant parts of the State for this "fitness" test in the belief that they had a fair chance, when as a matter of fact the successful applicant had already been picked. The organization reluctantly followed his lead and passed the White law, which set up a drastic unified system for the whole State, with supervisory powers in the State commission over the civil service of cities. A

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<sup>3</sup>Lincoln, *Messages from the Governors*, X, p. 75.

<sup>4</sup>Lincoln, *Messages from the Governors*, X, p. 20.

provision that appointing officers must in all cases take the first candidate on an eligible list was declared unconstitutional by the Court of Appeals<sup>5</sup> and appointment from among the first three was substituted. With slight modifications the system then established has been in operation ever since. In June, 1900, the civil service rules were extended to Erie county and the counties in the metropolitan district, thus bringing county government for the first time under the operation of the merit system.<sup>6</sup>

Another movement most unwelcome to the organization, which did not originate with Roosevelt but received his support, was for the taxation as real estate of the value of franchises for the use of streets by public service corporations. For forty years these franchises were taxed in fact but not in name, without complaint by the corporations, but some ten years before the Court of Appeals had held that these values could not be considered in determining for local taxation the value of a corporation's stock. In several decisions thereafter Justice Cullen in the Supreme Court pointed to the need of legislation to cure this defect in the Tax laws.<sup>7</sup> The corporations affected fought the plan to define franchises as real estate and declared it revolutionary thus to define what they held to be mere permission to do business, although the courts had long held franchises to be in the nature of a fee in the streets, and it was a common thing for unused franchises

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<sup>5</sup>People *ex rel.* Balcom vs. Mosher, 163 N. Y., 32.

<sup>6</sup>William Miller Collier, *The Civil Service Law*, p. 38.

<sup>7</sup>New York *Tribune*, May 6, 1899.

to be capitalized and bought and sold. Public opinion was so strong for the measure that it was allowed to pass the Senate with the expectation that it would be killed in the Assembly. Assembly committees tried to stifle it, despite repeated messages from the Governor. On the last night before the end of the session the Assembly adjourned in haste to avoid action. The next morning the Governor sent a message saying: "I learn that the emergency message which I sent last evening to the Assembly on behalf of the Franchise Tax bill has not been read. I therefore send another message upon the subject." Then the bill passed.<sup>8</sup> At a hearing given by the Governor, David B. Hill, on behalf of the corporations affected, urged the injustice of local and perhaps unequal assessment valuations made by different local authorities on corporations operating in several jurisdictions, and inequality of assessments upon the properties of competing corporations due to varying franchise and tax provisions fixing the amount of revenues to be paid locally in the nature of a tax; and he suggested an extra session to revise the measure.<sup>9</sup> This so impressed the Governor that, though he had already sent to the press associations, subject to release, his memorandum of approval,<sup>10</sup> he withdrew it and convened an extra session of the Legislature on May 22. With the original bill before him to sign in case improvements were not made, he obtained a bill amended to provide for assessment by the State Tax

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<sup>8</sup>New York Times, April 13, 14, 28, 29, 1899.

<sup>9</sup>New York Times, May 12, 1899.

<sup>10</sup>Statement of Governor Hill to the writer in 1906.

commission, with allowance against the tax for payments made locally as consideration for the exercise of a franchise, or otherwise in the nature of a tax. This bill he signed.<sup>11</sup>

A bill to place local police forces under State control was defeated at this session. Complaint about administration in New York City led to the appointment of an Assembly investigating committee headed by Robert Mazet, which employed Frank Moss as its counsel. This committee obtained from Richard Croker the declaration that he was "working for his own pocket all the time" in politics, and placed him in the position of refusing to answer questions as to his financial interest in corporations receiving favors from the city government, though he admitted that if he had such interest it would be dishonorable. Testimony was given before the committee indicating that judicial candidates were being systematically assessed by the Democratic organization. Justice Roger A. Pryor testified that he had been asked for \$10,000 when seeking a vacant half-term in the Supreme Court. The trail of corporation favoritism led up to certain companies in which Senator Platt and other Republicans were apparently interested, and demands were made that they also be called to testify.<sup>12</sup> Mazet resisted this demand and Moss yielded to him. The only valuable result of the work of the committee was legislation prohibiting campaign contributions by candidates for judicial office.

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<sup>11</sup>New York *Tribune*, May 27, 1899.

<sup>12</sup>Myers, *History of Tammany Hall*, pp. 287, 288.





ROBERT A. VAN WYCK

Robert A. Van Wyck, mayor; born in New York City, July 20, 1849; graduated from Columbia law school, 1872; judge of the city court of New York, 1889-1897; 1st mayor of Greater New York, defeating Seth Low and Benjamin Tracy and serving from 1898 to 1902; founder of the Holland society of New York City; died in New York City, November 14, 1918.





S. FREDERICK NIXON

S. Frederick Nixon, speaker of the assembly; born in Westfield, Chautauqua county, December 3, 1860; village trustee; town supervisor from 1886 until the time of his death; member of assembly for 15 terms and Speaker from 1899 to 1905 inclusive; died at Westfield, N. Y., October 10, 1905.





The retirement of Secretary Alger from the War department in July forced Platt really to play the part of the "Easy Boss," as he liked to be called, and consent to the recognition of a critic. When John Hay the year before had vacated the London embassy to become Secretary of State, Platt had reluctantly consented to the appointment of Choate, largely because the only other person considered was Whitelaw Reid, and, as Choate said, "He hated Reid worse than he did me."<sup>13</sup> His choice for Secretary of War was Francis V. Greene, but the President wanted Elihu Root if the New York Senators would not oppose. When Platt was considering his attitude in conference with Odell and Quigg at Coney Island, Quigg presented the request of Thomas F. Ryan that he would consent to Root. Ryan, though a Democrat, had been a liberal contributor to the gold standard campaign and of assistance to Platt locally. After some persuasion Platt waived his personal feelings and agreed to favor Root, who, after long exclusion from official power, thus found the door opened for his distinguished career as cabinet member and Senator.<sup>14</sup>

No State officers were elected in 1899. The Republicans again carried the Legislature, though Assemblyman Mazet was defeated. Four constitutional amendments were adopted, one giving to the Municipal Assembly of New York City the powers of

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<sup>13</sup>Theron G. Strong, *Joseph H. Choate*, p. 81.

<sup>14</sup>Statement of Mr. Odell to the writer, June 25, 1917; Platt, *Autobiography*, p. 405.

the Boards of Supervisors of the metropolitan counties, one regulating the bonded indebtedness of the city, and two others providing for additional Justices in the Appellate division and allowing the Governor to designate Supreme Court Justices to the Court of Appeals.

The Legislature of 1900 consisted of 27 Republican and 23 Democratic Senators, and 93 Republican, 56 Democratic, and one Independent-Democratic Assemblymen. Nixon was elected Speaker for the second time. The Governor again came in conflict with many of the organization leaders by his refusal to reappoint Louis F. Payn Superintendent of Insurance. He was perfectly willing, however, to name a man agreeable to the organization, who should meet his requirements as to character and ability. Platt was not disposed to carry his friendship for Payn to extremes and agreed to the selection of Francis Hendricks.<sup>15</sup> In fact, Platt and Odell, even when they most disagreed with the Governor, avoided any attempt at dictation, sometimes to Roosevelt's surprise. Once he impetuously declared to the State chairman that he would like to make a certain appointment, and received the reply: "If you want to, why don't you? You're the Governor."

On the other hand, Roosevelt took a conciliatory attitude toward Platt in relation to Ramapo water legislation.<sup>16</sup> In August, 1899, public opinion in New York City was agitated by the discovery of a plan of the Van Wyck administration to make a forty-year contract with

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<sup>15</sup>Platt, *Autobiography*, p. 375.

<sup>16</sup>New York *Tribune*, March 15 to 23, and April 17, 1900.

the Ramapo Water Company for two hundred million gallons a day at \$70 a million gallons. The execution of the contract was defeated chiefly by the opposition of the New York *World* and of Comptroller Coler.<sup>17</sup> The Ramapo company was a private corporation in which both Republican and Democratic politicians were interested. It enjoyed extensive rights to condemn watersheds and sell the water to municipalities. On pretense of legislation to limit and define its rights, its powers had been greatly broadened in the administration of Governor Morton. New York City itself did not possess as broad powers to take water as had been conferred upon this company. It seemed, indeed, as if the city was so hemmed in that it might in order to get needed water be forced to buy of the company a supply that the law did not permit it to develop for itself. The discovery of this situation and the indignation over the narrowly escaped contract, which would have levied \$5,000,000 a year on the city treasury, provoked demands for protective legislation. Three bills were brought before the Legislature—the Demarest bill to repeal the exclusive grants to the Ramapo company, the Morgan bill giving the city rights to acquire water not in actual use by other communities, and the Fallows bill requiring separate consent of the Board of Public Improvements, the Board of Estimate, and the Mayor and Comptroller to any water contract. Popular opinion favored the second bill, which had been introduced by Assemblyman John Hill Morgan at the request of the Merchants' Association of New York; but rural

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<sup>17</sup>John L. Heaton, *The Story of a Page*, p. 167.

legislators were rallied against it though it merely made the city independent of the Ramapo company and gave it practically no more powers than the company already enjoyed in the country districts. The Fallows bill was finally passed and became a law over the veto of Mayor Van Wyck.<sup>18</sup>

Roosevelt aspired to a second term in the Governor's chair, but the organization did not view the prospect with enthusiasm. He freely consulted Platt and worked with the organization, but instead of obeying orders he forced the leaders to compromise with his views. To avoid an open fight upon him, which would have split the party, Platt, ably assisted by Louis F. Payn, started a movement to make Roosevelt Vice-President. Afterward Platt explained that he felt the need of a "strong personality" on the national ticket to carry it through,<sup>19</sup> but his assertion at the same time: "There was not a ripple of opposition to the renomination of President McKinley. His election was assured from the start," scarcely confirms that account of his motive. Roosevelt vehemently resisted being shelved, to such purpose that when the Republican State convention was held in New York on April 17, both Nathaniel A. Elsberg, the temporary and James S. Sherman, the permanent chairman, declared New York would not give Roosevelt for the Vice-Presidency but demanded his services for a second term at Albany. Platt, Depew, Odell, and Roosevelt were elected dele-

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<sup>18</sup>New York *Tribune*, April 4 and 7, 1900.

<sup>19</sup>Platt, *Autobiography*, pp. 383, 399.



gates to the national convention in Philadelphia on June 19.<sup>20</sup> Platt did not abandon his plan. The Roosevelt talk was kept up and greatly fostered in the west, while Roosevelt continued to decline. Hanna, representing McKinley, whose unanimous renomination was unquestioned, was opposed to Roosevelt. After Bliss had been proposed and been attacked by Platt,<sup>21</sup> and had withdrawn, Hanna turned to J. P. Dolliver of Iowa. Quay joined with Platt and ostentatiously offered the Pennsylvania delegation to Roosevelt.

On the eve of the nomination a meeting of the New York delegation was held. Just previously Roosevelt appealed to Platt to desist, and was frankly told that he would not be renominated for Governor. Platt finally induced him to promise that he would not absolutely refuse to run. In the meeting Roosevelt and his friends continued to resist the pressure, however, and after twenty-one members of the delegation who stood against Platt's wishes had been put on record, the delegation indorsed Timothy L. Woodruff, who, though an eager candidate, had been ready to step aside for Roosevelt.<sup>22</sup> This indorsement was not meant seriously. Platt had no intention of even trying to nominate Woodruff for Vice-President. He was still for Roosevelt and angrily denounced Francis Vinton Greene as being himself an aspirant when Greene urged that Roosevelt's wishes be respected. Odell, to whom Platt had offered to throw

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<sup>20</sup>New York *Tribune*, April 18, 1900.

<sup>21</sup>New York *Tribune*, June 16 and 17, 1900.

<sup>22</sup>New York *Times*, June 20, 1900; New York *World*, June 21, 1900.

the New York delegation, went to Hanna, presented to him the difficulties that either Roosevelt's candidacy for Governor and his defeat, which Platt predicted,<sup>23</sup> or the refusal to him of the nomination, would entail, and the desirability of a New York campaign that would have behind it the Roosevelt enthusiasm and a united organization. Finally Hanna, who saw his own forces ready to break away, consented to Roosevelt.<sup>24</sup> With the States under Hanna's control ready to join in the western movement to name Roosevelt regardless of New York, there was nothing left for the Governor to do. McKinley was unanimously nominated, and the only vote not cast for Roosevelt was his own.<sup>25</sup>

The second Republican State convention was held in Saratoga on September 4. Timothy L. Woodruff was temporary and Nevada N. Stranahan permanent chairman. Woodruff aspired to the Governorship, but Odell was the predetermined candidate and he and all the rest of the ticket were nominated by acclamation.<sup>26</sup> With good reason Platt boasted as the nominations were about to be made: "The empire is at peace."

The platform indorsed the national and State administrations of McKinley and Roosevelt, declared

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<sup>23</sup>New York *World*, June 22, 1900.

<sup>24</sup>Statement of Mr. Odell to the writer, June 25, 1917.

<sup>25</sup>Platt, *Autobiography*, ch. xix.

<sup>26</sup>The ticket was: Governor, Benjamin B. Odell, Jr., Orange; Lieutenant-Governor, Timothy L. Woodruff, Kings; Secretary of State, John T. McDonough, Albany; Comptroller, William J. Morgan, Erie; Treasurer, John P. Jaeckel, Cayuga; Attorney-General, John C. Davies, Oneida; State Engineer, Edward A. Bond, Jefferson. Comptroller Morgan died on September 5, 1900, and the State committee named Erastus C. Knight of Erie for the vacancy.

that imperialism was not an issue, and pointed to the lower tax rate, the Raines Liquor Tax law, and the franchise tax as achievements that entitled the party to popular confidence.

The inevitable renomination of Bryan placed the Democrats of New York, especially David B. Hill, in an embarrassing position. He disbelieved in the Nebraskan's theories and kept out of the campaign of 1896 after the party under Tammany leadership had indorsed the Chicago platform. But the natural desire for regularity played a large part in the case, and Hill's only hope of leadership was in going with the tide. Croker and Murphy were both seeking to overthrow him. At the State convention in New York on June 5, over which John T. Norton and Elliot Danforth presided, Hill secured control of the new State committee by threatening to go on the floor and denounce Tammany's connection with the ice trust. This Croker did not care to risk. Hill consented to instructions for Bryan and pledged the unfailing support of the organization to whatever national platform should be adopted. Tammany and Norman E. Mack struggled to get a square reaffirmation of the Chicago platform, but Hill defeated this and put in an equivocal plank favoring gold and silver at parity.<sup>27</sup> Sixteen to one could not possibly mean parity, and the declaration served to show the Gold Democrats that Hill was at heart with them, but he conceded everything essential in the instructions for Bryan and the promise to support

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<sup>27</sup>New York *Tribune*, June 5, 6, 1900.



the national platform, with only the faintest hope of being able to moderate its expositions of Bryanism.

Hill, Croker, Murphy, and Augustus Van Wyck were the delegates-at-large to the national convention, which met at Kansas City on July 4. There Hill's partial victory was turned to complete humiliation. Expecting to be the New York member of the platform committee, he visited Bryan at Lincoln, where, though they did not agree on the platform, the Vice-Presidential nomination was urged upon him.<sup>28</sup> At a meeting of the New York delegation Tammany put forward Augustus Van Wyck for the platform committee. Hill protested that this was an attempt to humiliate him. Grady at first protested that the step was taken to please Bryan. Then a bitter altercation developed between Hill, Grady, and Croker, in which Hill was charged with treachery to his associates and he in turn taunted Croker with running to Europe in party crises. McLaughlin deserted Hill, and Van Wyck was chosen by a vote of 40 to 26. Croker in the altercation offered to indorse the man whom he had denounced as traitor to the party for Vice-President. Hill scorned this suggestion, and finally the delegation decided to present the name of John W. Keller, by a vote of 36 to 27 in favor of Elliot Danforth, Hill's candidate.<sup>29</sup> Keller was the Charities Commissioner of New York City. He had no national standing, and Tammany's coupling him with Hill as fitting Vice-Presidential timber was an added belittlement of its enemy.

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<sup>28</sup>New York *Tribune*, July 3, 1900.

<sup>29</sup>New York *Tribune*, *Times* and *World*, July 4, 1900.



Bryan was nominated by acclamation on a platform of free silver and anti-imperialism. Despite the ironical indorsement of Keller, Croker was still determined to force Hill on the ticket. When candidates were being presented for Vice-President, Grady took the platform and nominated him despite Hill's attempts to dissuade the Tammany men and his loud protest that it was unfair. The chair later gave him an opportunity to withdraw his name, but Tammany persisted in casting the whole New York vote for him. Hill was the most conspicuous and able man named, and other States were glad to join in the movement. He might have been nominated but for his own work and the efforts of the radical managers, who realized the absurdity of forcing Hill to stand with Bryan for policies in which he did not believe. They induced friends of Charles A. Towne of Minnesota, a silver Republican, to concentrate their votes on former Vice-President Adlai E. Stevenson of Illinois, who, though not distinctively a Bryan candidate, seemed to have the best chance of stopping the Hill movement. Stevenson was nominated on the first ballot by a vote that was made unanimous after changes.

Back in New York Hill and Croker continued their fight. Hill fell in with a movement to nominate for Governor Bird S. Coler, Comptroller of New York City, who had achieved popularity by his resistance to the Ramapo contract and by his efforts to break the practical monopoly of the American Ice Company, which the year before had aroused indignation by an attempt to double the usual price of ice. The ice trust was

created by Charles W. Morse, the promoter, afterward sent to prison for violation of the banking laws. He combined independent companies and sought and in a measure secured a monopoly through control of docks at which ice could be landed. He placed stock of the company on favorable terms with many leaders and lesser politicians of both parties, including Mayor Van Wyck. Attempts to secure the removal of Mayor Van Wyck on account of this transaction failed, but public feeling forced the company to abandon two-thirds of its contemplated raise in price.<sup>30</sup>

Jeers about the ice trust at the June Democratic State convention had greatly annoyed Tammany, and its leaders looked with no favor on Coler. The support of Hill made his candidacy still more unwelcome. Croker looked for an up-State candidate who would draw away Hill's friends, and, after considering with favor William F. Mackey of Buffalo,<sup>31</sup> he fixed on John B. Stanchfield of Elmira, a friend and former law partner of Hill. At a meeting of the State committee on August 16 Hill was defeated in an attempt to name a temporary chairman for the State convention,<sup>32</sup> which was held on September 11 at Saratoga with Patrick H. McCarren and George Raines presiding. Hill hoped for the aid of Hugh McLaughlin. Coler had been his loyal follower and had every claim to Brooklyn support. For a time the Brooklyn organization was favorably inclined to Coler, but it

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<sup>30</sup>Heaton, *The Story of a Page*, pp. 179, 180.

<sup>31</sup>New York *Tribune*, August 6, 1900.

<sup>32</sup>New York *Tribune*, August 17, 1900.

turned when the Comptroller published in the *Independent* an article on "Commercialism in Politics"<sup>33</sup> full of scarcely veiled assaults on Croker. Hill spoke for Coler in the convention and declared that he was fortunate in his enemies. Grady vehemently attacked Hill and sneered at Coler. Coler's sole spokesman from Brooklyn was Otto Kempner. With the exception of Kempner's vote, Kings county went solidly with New York for Stanchfield, who was nominated, 294 to 154.<sup>34</sup>

Duncan Campbell Lee of Ithaca brought confusion to the convention by offering a resolution condemning the ice trust. The chair had received his resolution and ordered that it be read and referred to the platform committee. As soon as the clerk, in the midst of reading, reached the words "ice trust," however, McCarren suppressed it, despite Lee's protests at the irregularity.<sup>35</sup>

The platform ratified the nomination of Bryan, met the challenge of Lee with a mention of the ice trust in a general condemnation of trusts, and denounced the Republican canal policy, the Raines law, the Metropolitan Election law, and the increase of State commissions.<sup>36</sup>

The Democrats had no hope of carrying New York State on the financial issues, so they laid great stress on

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<sup>33</sup>*Independent*, LII, p. 1896.

<sup>34</sup>*New York Tribune*, September 13, 1900.

<sup>35</sup>*New York Tribune*, September 13, 1900.

<sup>36</sup>The ticket was: Governor, John B. Stanchfield, Chemung; Lieutenant-Governor, William F. Mackey, Erie; Secretary of State, John T. Norton, Rensselaer; Comptroller, Edward S. Atwater, Dutchess; Treasurer, John B. Judson, Fulton; Attorney-General, Thomas F. Conway, Clinton; State Engineer, Russell R. Stewart, Onondaga.

the administration's policy toward the Philippines, professing friendliness to expansion but opposition to the holding of people in subjection. Some Gold Democrats and independents, among them Edward M. Shepard and Carl Schurz, came to Bryan's support on this issue, although the Gold Democrats as a party, while making no nominations, had urged voters not to be deceived into thinking that the money question was settled. McKinley was triumphant throughout the country, having 292 Electoral votes to Bryan's 155. He carried New York by 143,606 plurality. The vote was: McKinley, 821,992; Bryan, 678,386; John G. Woolley (Prohibition), 22,043; Eugene V. Debs (Social Democrat), 12,869; John F. Malloney (Socialist Labor), 12,622. The State ticket ran well up with McKinley, Odell receiving 111,126 plurality. The vote was: Odell, 804,859; Stanchfield, 693,733; Charles H. Corrigan (Socialist Labor), 13,762; William T. Wardwell (Prohibition), 22,704; Benjamin Hanford (Social Democrat), 13,493. The Congressional delegation stood: Republicans 21; Democrats 13. There were elected to the Senate 35 Republicans and 15 Democrats and to the Assembly 105 Republicans and 45 Democrats. Nixon was elected Speaker for the third time.

Platt, as everybody, including his victim, thought, had accomplished the purpose of shelving Roosevelt and getting a Governor after his own heart. But he was doomed to disappointment. In a few months an assassin's bullet made Roosevelt President; Odell became his own master; all of Platt's plans went awry.



## CHAPTER V

### PLATT'S POWER WANING

1901-1902

GOVERNOR ODELL was a successful business man, and he devoted himself to effecting economies and organizing the State administration on a business basis. The tax rate of 1901 was the lowest since 1854,<sup>1</sup> partly through the enforcement of economies and partly through the policy of indirect taxation that had been gradually developed. The Ramapo act of 1895 was repealed, the State Health department placed under a single head, a law establishing grades for the State service passed, and an attempt made to limit the extravagant growth of printing expenditures.<sup>2</sup>

Platt was anxious to place the New York City police under State control by the reestablishment of the old metropolitan police district of Governor Fenton's time. The notorious police scandals called for some remedy, and Odell was at first inclined to adopt this plan. He soon came to believe, however, that this would be resented, not merely by Tammany but generally by New

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<sup>1</sup>New York *Tribune*, April 24, 1901.

<sup>2</sup>Lincoln, *Messages from the Governors*, X, pp. 212, 192; 196; ch. 521, Laws of 1901.

Yorkers, as an invasion of home rule, and would hurt the party.<sup>3</sup> Greatly to Platt's annoyance he refused to sanction the bill that had been drawn up with full expectation of its passage.<sup>4</sup> Platt determined not to force the issue and accepted a bill abolishing the bipartisan Police board in New York City and placing the force under a single Commissioner appointed by the Mayor.<sup>5</sup> Van Wyck immediately appointed Michael C. Murphy Commissioner, and he made William S. Devery, under whom police corruption had become notorious, head of the force. Platt charged that this was a violation of the understanding by which specific provision against such an appointment had been omitted from the bill as a matter of courtesy to the city authorities,<sup>6</sup> and he was more than ever anxious for the State control. But Odell was obdurate.

In general Odell consulted with Platt on matters of appointments, but his personal and unannounced selection of Charles S. Boyd for Superintendent of Public Works in December, when Partridge resigned to become Police Commissioner under Mayor Low, caused some friction. Odell was as thorough an organization man as Black, but he had a far keener sense of public sentiment, less aptitude for contemptuous treatment of the demands of idealists, and less readiness to sacrifice the reputation of his administration and his own power to the narrow views of his political asso-

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<sup>3</sup>Statement of Mr. Odell to the writer.

<sup>4</sup>Platt, *Autobiography*, pp. 424-429.

<sup>5</sup>Lincoln, *Messages from the Governors*, X, p. 211.

<sup>6</sup>Platt, *Autobiography*, p. 423.

ciates. Independent critics soon came to regard him with favor.

The assassination of President McKinley and the succession of Theodore Roosevelt to the Presidency on September 14 made dominant a new force in New York politics. Roosevelt avoided war with the Platt organization and worked with it in Washington as he had done in Albany. Yet his influence went for the promotion of reform measures, the recognition of independent men, and the abandonment of the narrow proscriptive habit which so often becomes second nature to the professional organization leader. And now his influence was paramount. Platt recognized his supremacy, and throughout his term, however restless or resentful of his methods individual politicians might be, the Republicans of New York as a body gave him steadfast support.

Platt also adopted a conciliatory attitude toward the New York City Independents. Instead of opposing fusion on Seth Low as in 1897, the Republicans picked Low as their own candidate and induced the Democratic elements in the Citizens Union to accept him. Croker, not to be outdone in an appeal to the better element, turned for a candidate to Edward M. Shepard. By inheritance and conviction Shepard was a firm Democratic partisan, but he had revolted against the McLaughlin domination of Brooklyn and the Tammany rule of the greater city. He had supported Low four years before and advocated municipal non-partisanship.<sup>7</sup> His intense dislike of the Repub-

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<sup>7</sup>New York *Tribune*, October 4, 1901.

lican Philippine policy, coupled with his desire to build up a clean and strong Democracy, made the prospect of leading the party in the metropolis attractive to him. Moreover, he had come to doubt the permanency of reforms introduced without a party backing.<sup>8</sup> High-minded men, even among those who did not support him, urged him to take the nomination so that, whoever was elected, New York would have a good Mayor.

He acted without doubt from conscientious motives, but as the campaign developed his position became an impossible one. He was open to the same attack for inconsistency that had been leveled against the Republican organization in 1897. The police partnership with vice was glaring, and William Travers Jerome, the fusion candidate for District Attorney in New York county, carried the excitement to fever heat by nightly recounting to audiences of men and women the workings of the system of exploiting girls by "cadets." Tammany was committed to Devery, and Shepard could not well repudiate him. He could only promise reform in general terms, and took refuge in the statement that it would amount to bribery of the voters to promise beforehand that he would yield to the general demand that Devery be displaced.

Low was elected Mayor by 31,632 plurality, receiving 296,807 votes to 265,175 for Shepard. Jerome also carried New York county, a much more difficult task, for there the Tammany vote was concentrated. Mayor Van Wyck, who ran for Supreme Court Justice on the

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<sup>8</sup>New York *Tribune*, October 10, 1901.





BENJAMIN BARKER ODELL, JR.

Benjamin Barker Odell, Jr., 37th governor (1901-1904); born at Newburgh, N. Y., January 14, 1854; student, Bethany college, W. Va., 1873 and Columbia university, 1873-1875; engaged in banking, electric lighting and commercial enterprises at Newburgh; treasurer and director of the Central-Hudson steamboat company, New York; member republican state committee, 1884-1896; chairman republican state executive committee, 1898-1900; member of congress, 1895-1899; declined renomination; governor of New York for two terms, 1901-1904.





SETH LOW

Seth Low, college president; born Brooklyn, January 18, 1850; graduated from Columbia university, 1870; nominated independent candidate for mayor of Brooklyn and elected 1881, re-elected, 1883; became prominent through endeavors to purify city government by introducing civil service reforms; delegate to the peace conference at The Hague, 1889; elected mayor of Greater New York, 1901; delegate to constitutional convention of 1915; died New York City, September 17, 1916.





Democratic ticket before the same constituency, was defeated. He retired to Paris, where he lived until his death in 1918. No State officers or Senators were elected. The Republicans gained one vote in the Assembly, while the regular Democrats lost three. The Assembly stood: Republicans, 106; Democrats, 42; Independent-Democrats, 2. Nixon was elected Speaker for his fourth term.

Odell in his second year continued the policy of enforcing economies by establishing the office of Fiscal Supervisor of State Charities and centralizing the management of State hospitals in the Lunacy commission. He also sought to establish a system of good roads throughout the State.<sup>9</sup> Although Platt was not entirely cordial to him his renomination was conceded. For his running-mate Platt picked George R. Sheldon, a New York banker, who had held no office but who had been influential in the councils of the party.<sup>10</sup> Odell agreed to this nomination, and harmony promised to prevail until William Berri of Brooklyn attacked Sheldon in his paper, the *Standard Union*, on the charge that he was connected with the trusts.<sup>11</sup> Platt was incensed over this, attributing it to an intrigue to force a fourth nomination for Woodruff, who had professed not to be a candidate. On that account he brusquely refused Woodruff's request to name Norman S. Dike of Brooklyn for Secretary of State.<sup>12</sup> He

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<sup>9</sup>Lincoln, *Messages from the Governors*, X, pp. 336, 332, 340.

<sup>10</sup>Platt, *Autobiography*, p. 431.

<sup>11</sup>Brooklyn *Standard Union*, September 18, 1902.

<sup>12</sup>Platt, *Autobiography*, p. 439.

showed no disposition to abandon Sheldon, who denied that he had trust connections. As a banker, he explained, he had helped to reorganize a distilleries corporation, which had nothing to do with the trust. Odell, however, was fearful of the trust cry in the campaign. He had not expected to attend the State convention, which was held at Saratoga on September 23 with L. E. Quigg acting as temporary and Nathaniel A. Elsberg as permanent chairman. But at the last moment he hastened to Saratoga and protested to Platt against the nomination of Sheldon.<sup>13</sup> Nevertheless Platt continued to announce that he would support his friend in the convention until Sheldon, in the interest of harmony, voluntarily retired, and the nomination for Lieutenant-Governor went to Senator Frank W. Higgins of Olean.<sup>14</sup>

The most important party policy declared by the convention was in favor of a referendum on the issue of long term bonds for a comprehensive scheme of good roads. It indorsed Roosevelt and said it looked "forward with confidence" to his reelection. The lack of an explicit pledge to Roosevelt was in some quarters taken to indicate a hope by Platt and Odell of finding another candidate, but no declaration two years in advance had binding force, and this one was as good as any.

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<sup>13</sup>Platt, *Autobiography*, p. 434 *et seq.*

<sup>14</sup>The ticket was: Governor, B. B. Odell, Jr., Orange; Lieutenant-Governor, Frank W. Higgins, Cattaraugus; Secretary of State, John F. O'Brien, Clinton; Comptroller, Nathan L. Miller, Cortland; Treasurer, John G. Wickser, Erie; Attorney-General, Henry B. Coman, Madison; State Engineer, Edward A. Bond, Jefferson; Judge of the Court of Appeals, William E. Werner, Monroe.

The decisive Democratic defeat in the Low-Shepard campaign broke the power of Croker as a State leader and indeed led him to give up the management of Tammany and take up his residence in Ireland. Lewis Nixon was made leader of Tammany and attempted to reform it, but he soon retired, announcing that he could not retain "self-respect and remain leader of the Tammany organization," hampered by what he described as a kitchen cabinet in cable consultation with Croker. The leadership was then placed in the hands of a committee of three, composed of Louis F. Haffen, Daniel F. McMahon, and Charles F. Murphy, who were called by Patrick T. Relihan, of the *New York Press*, "Joke, Two-Spot, and Sport," respectively. But in September, 1902, the triumvirate was dissolved and Murphy was recognized as the sole leader of Tammany. With Croker out of the way, Hill and McLaughlin were left in command of the situation. John B. Stanchfield was temporary and Martin W. Littleton permanent chairman of the Democratic State convention, which met at Saratoga on September 30. The platform for the most part contained the usual demand for tariff revision and condemnation of the Republican Philippine policy. It also contained one startling innovation. The anthracite coal miners of Pennsylvania were on strike. President Roosevelt had not yet succeeded in composing the differences, and New York faced the danger of a serious coal shortage at the beginning of winter. Hill determined to capitalize the fears and unrest and stake his victory on the price of coal.<sup>15</sup> He

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<sup>15</sup>*New York Tribune*, October 3, 1902.

astonished everybody by incorporating in the platform a plank declaring for national ownership and operation of coal mines, a policy that ran counter to every Democratic tradition of State rights and restriction of governmental activities.

Looking to the development of an available Presidential candidate, and to putting the conservatives once more in control of the party after Bryan's second failure, leading Democrats, among them St. Clair McKelway in the Brooklyn *Eagle*, advocated Chief-Judge Alton B. Parker for Governor.<sup>16</sup> If Parker could go before the national convention with the record of having restored to the party the Governorship of New York, he was almost certain to be the candidate. Parker, however, did not care to try his fate at that time. At least he repelled all efforts to make him say he would be a candidate, though McKelway charged that he had been plied with questions that should never have been asked, and threw suspicion on Hill's good faith. But Parker did not doubt Hill's loyalty.<sup>17</sup> Hill again brought forward Bird S. Coler. Croker being no longer in the way, McLaughlin agreed and the nomination was made by a vote of 444 to 3 cast for Jacob A. Cantor by Brooklyn enemies of Coler.<sup>18</sup>

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<sup>16</sup>Brooklyn *Eagle*, September 30, 1902.

<sup>17</sup>Brooklyn *Eagle*, October 1, 1902. Statement of Judge Parker to the writer, May 15, 1921.

<sup>18</sup>The ticket was: Governor, Bird S. Coler, Kings; Lieutenant-Governor, Charles N. Bulger, Oswego; Secretary of State, Frank H. Mott, Chautauqua; Comptroller, Charles M. Preston, Ulster; Treasurer, George R. Finch, Warren; Attorney-General, John Cunneen, Erie; State Engineer, Richard P. Sherman, Oneida; Judge of the Court of Appeals, John Clinton Gray, New York.



No rival candidate was presented, though Nathan Straus of New York attempted to protest against Coler from the platform, but was not allowed to speak. The convention was enlivened by the attempt of William S. Devery and his delegation from the Ninth Assembly district of New York, who had carried the primaries, to obtain seats.<sup>19</sup> Hill shut them out on charges of fraud. Devery was allowed to speak before the convention, and his friends made a demonstration from the galleries, but all to no purpose. Hill picked Bulger, who in the last State convention had denounced Tammany, for Lieutenant-Governor, and forced Grady to speak for him. He relented, however, from his plan to humiliate Tammany further by naming for Secretary of State Duncan Campbell Lee of Ithaca, who had projected the ice trust issue on the previous convention, and named Frank H. Mott of Chautauqua.<sup>20</sup>

A close campaign followed. Never did Hill appear more cynically indifferent to principles. In 1896 he had warned the Democrats that they could not hope for victory unless they avoided the paternal doctrines of the Populists. Now he was advocating Federal seizure of the coal mines and staking his reputation as a lawyer on the constitutionality of his policy. Attacks upon State assessment of franchises figured prominently in his campaign speeches. Yet it was his argument against the bill for local assessments of franchises as real estate that induced Roosevelt to call the extra

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<sup>19</sup>New York *Tribune*, September 30, 1902.

<sup>20</sup>New York *Tribune*, October 1, 1902.

session, which conferred the power on the State Tax Commissioners. Hill denied that he specifically asked this change, but other representatives of the corporations at the hearing followed his complaint with the suggestion. He attacked Odell's centralized management of State charities, though he himself had initiated that policy. He went further in attacking Odell's personal honesty, charging that the Governor was profiting from grocery contracts with the State, a charge from which Odell completely vindicated himself. Coler's position was scarcely more consistent. After gaining a reputation as an opponent of Tammany, and as the author of "Commercialism in Politics," which everybody understood to be a reflection on Croker,<sup>21</sup> he sought Croker's favor for Mayor and issued a signed statement on August 26, 1901, saying: "Excepting in humor I have never made any statements reflecting upon Mr. Croker or Mr. Platt or even Mr. Low."<sup>22</sup>

Concerning the article entitled "Commercialism in Politics," Coler's friends give this explanation: The article was written by a newspaper man connected with the New York *Evening Sun*. He had submitted it to several magazines, and each had rejected it. In a casual conversation with Coler the reporter mentioned having covered the subject matter under discussion in this article that he had written. Asked by Coler why the article had not been published he replied that if a man

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<sup>21</sup>New York *Tribune*, September 6 and October 1, 1901.

<sup>22</sup>New York *Tribune*, September 9, 1902.

of Coler's standing, instead of himself, were the author it would have been already published. Coler asked permission to read the article, and in the belief that it contained sufficient merit to warrant its publication afterward permitted the use of his name as its author. These facts, it is said, were known to the Tammany leaders and influenced their attitude toward him.

Coler soon found the coal plank troublesome, and, while not absolutely repudiating it, sought to get away from it by proposing that other remedies be tried first and that seizure should be made only as a last resort. Coler, profiting by the reaction against the Low administration, polled an enormous vote in the city and was only defeated by Odell's strength in the country. The nomination of Judge Werner, a Justice of the Supreme Court who had been sitting by designation in the Court of Appeals, against his colleague, Judge Gray, one of the elected members whose term had expired and who had been renominated by the Democrats, displeased a large element of the bar. Another complication of the campaign was the indorsement by the Prohibitionists of Cunneen for Attorney-General. This party commonly ran a straight ticket, but the desire of a Prohibitionist lawyer of Brooklyn, Coleridge A. Hart, who claimed an election to the Supreme Court on a technicality when only a handful of votes was cast, to have an Attorney-General who would bring *quo warranto* proceedings in his behalf, operated to secure the indorsement of Cunneen, who was expected to further the scheme.<sup>23</sup>

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<sup>23</sup>New York Tribune, November 10, 1902.

Odell carried the State by 9,752 plurality. The vote was: Odell, 665,150; Coler, 655,398; Alfred L. Manierre (Prohibition), 20,490; Daniel DeLeon (Socialist Labor), 15,886; Benjamin Hanford (Social Democrat), 23,400. The Republican candidates for the other executive offices, except Attorney-General, won by pluralities ranging from 10,000 to 13,000. The Prohibitionist vote carried Cunneen through by 9,465 plurality, and the popular feeling for the retention of Judge Gray manifested itself in 14,821 plurality for him over Werner.

The Democrats gained seven Senators and seventeen Assemblymen. The Senate stood: Republicans, 28; Democrats, 22. The Assembly was made up of 89 Republicans and 61 Democrats. The Republicans elected 20 out of the 37 Congressmen. Nixon was elected Speaker for his fifth term.



## CHAPTER VI

### ODELL IN CONTROL

1903-1904

THE retirement of Senator Ellsworth forced the Republicans to choose a new Senate leader for the session of 1903. Three Senators, Brown, Brackett, and Elsberg, refused to support John Raines on the ground that he was being forced on the Senate by outside dictation.<sup>1</sup> After Raines's election, they continued their opposition, refusing to enter the caucus of January 19 when Platt was renominated for Senator by 108 votes to 1 cast for Elihu Root by Assemblyman Denison of Jefferson.<sup>2</sup> On January 20 Platt was reëlected. In the Senate he had 25 votes to 21 for Stanchfield, while the three revolting Senators each spoke against Platt's fitness to represent the State and voted for Root. Brown urged that the party ought to attract young men through leaders like Choate, Porter, White, Root, and Roosevelt, who appealed to them,—and that every one of these men had been honored in the State not through Platt but in spite of him.<sup>3</sup> In the Assembly party regularity was unbroken and Platt received 86 votes to 57 for Stanchfield.

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<sup>1</sup>New York *Tribune*, January 7, 1903.

<sup>2</sup>New York *Tribune*, January 20, 1903.

<sup>3</sup>New York *World*, January 21, 1903.

The differences between Platt and Odell, which developed in the Governor's first term, became more acute in his second and were accentuated by his foreseeing Platt's disposition to shelve him from politics and his determination not to be shelved. He enforced economies, developed indirect revenues, abolished the direct tax except a nominal sum constitutionally required for the canal fund, and steadily supported the Low administration, promoting the home rule measures desired by it and uniformly vetoing attempts to pass local bills disguised as general legislation. In 1904 a long desired unification of the Regents of the University and the Department of Public Instruction was achieved with a Commissioner of Education as executor of the whole educational system under the supervision of the Regents. Whitelaw Reid became Chancellor of the University and Andrew S. Draper Commissioner.

The only State officer elected in 1903 was a Judge of the Court of Appeals, both parties nominating Judge Denis O'Brien to succeed himself, and he was elected without significant opposition. By a majority of 245,000 the people voted in favor of a bond issue to carry out the \$101,000,000 canal improvement.

More important than the State election was the contest for the control of Greater New York. The Fusionists renominated Low and his associates, Edward M. Grout, Comptroller, and Charles V. Fornes, President of the Board of Aldermen. Charles F. Murphy determined to split the fusion ranks by putting Grout and Fornes on his own ticket. When the Fusionists asked if in taking these nominations they

would continue to oppose Tammany and its candidate for Mayor, they refused to recognize that they had any more reason to oppose Tammany than the Republican party, though they had been elected on the issue that Tammany was hopelessly corrupt.<sup>4</sup> In consequence of this action the Fusionists displaced them from the ticket.<sup>5</sup> Murphy's adoption of them produced a break with McLaughlin. Murphy picked George B. McClellan for Mayor, and probably would have had no opposition from Brooklyn on that score alone, but the proposed ticket gave no representation whatever to McLaughlin. He organized to fight the whole Murphy program, threw his strength to Gaynor for Mayor, and marshalled 219 votes to Murphy's 434. He cast a somewhat larger vote against Grout.<sup>6</sup> The Brooklyn Democratic leaders, with the exception of Senator McCarren, who allied himself with Murphy and began to lay the foundation for Brooklyn leadership on the wreck of McLaughlin's power, openly repudiated the ticket. Martin W. Littleton, who had been put on the Tammany ticket for Borough President of Brooklyn, and who had been induced by McLaughlin and Shevlin to reconsider his declination, which he had written, denounced Tammany, Grout, and Fornes from the platform of the Academy of Music in the only speech he was permitted to make during the campaign, and practically urged his own defeat, while Hugh McLaughlin listened from a box.<sup>7</sup> Nevertheless the

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<sup>4</sup>New York *Tribune*, October 1, 2, 1903.

<sup>5</sup>New York *Tribune*, October 8, 1903.

<sup>6</sup>New York *Tribune*, October 2, 1904.

<sup>7</sup>New York *Tribune*, October 20, 1904.

great body of Brooklyn Democrats supported Tammany, and Low suffered from the apathy of organization Republicans and the dissatisfaction of all the professed supporters of reforms whose particular reforms had not been completely achieved. McClellan was elected by a plurality of 62,696. The Republicans carried the Assembly by the same majority as in the year before, electing 98 members, while the Democrats had 52. Nixon was elected Speaker for his sixth term.

In his last year as Governor, Odell reduced Platt to little more than nominal leadership of the organization, although the Senator had followers who were ready to fight against his displacement and who indeed resented Odell's domination. Odell won control of the State committee, and to confirm his hold decided himself to take the chairmanship while still Governor. His friends met criticism of such a combination by saying that the irresponsible party boss who held no office had been an object of popular distrust, and that a Governor responsible to the people was the logical leader of his party and should not be a subordinate forced to choose between his obedience to outside direction or revolt against his own party policy. Facing the fact that resistance to Odell was useless, George W. Dunn announced his voluntary retirement in March, and Platt's friends declared for Odell as chairman on his statement that all agreed in recognizing Platt as the leader of the party and that he had made no commitment against the reelection of Depew to the Senate.<sup>8</sup> When the State convention met in New York City on

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<sup>8</sup>New York *Tribune*, March 20, 1904.



April 12 to choose delegates to the national convention held at Chicago on June 21, Odell put his plan into execution.<sup>9</sup> Depew and Sereno E. Payne presided over the convention, which chose Platt, Depew, Odell, and Black delegates-at-large, and directed them to support Roosevelt for President.

Elihu Root was temporary chairman of the national convention. Platt was made head of the New York delegation, and Black was put forward to make the nominating speech for Roosevelt and performed this task in an eloquent speech glorifying Roosevelt's militant leadership in peace and war. Neither Black, Platt, nor Odell had any liking for Roosevelt, but they accepted the inevitable gracefully, though the delegation showed so little enthusiasm that when Lieutenant-Governor Higgins offered to pay for a band to enliven the headquarters Senator Raines complimented his generosity with sarcastic acknowledgment of its need.<sup>10</sup> Odell in starting a movement to make Speaker Cannon Vice-President gave the humorous reason that he would stir up needed enthusiasm, as if Roosevelt did not possess that gift in an almost unparalleled degree.<sup>11</sup> Some political prophets thought that his real purpose was to make a vacancy in the Speakership for the benefit of Congressman James S. Sherman. Whitelaw Reid, according to his biographer, favored the selection of Elihu Root and suggested it to the President, though it is difficult to understand how a leader of such experi-

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<sup>9</sup>New York *Tribune*, April 13, 1904.

<sup>10</sup>New York *Times*, June 21, 1904.

<sup>11</sup>Platt, *Autobiography*, p. 452.

ence could have ignored the constitutional provision that forbade the New York Electors to vote for both a President and Vice-President from their own State. Platt favored Fairbanks for Vice-President, and after Cannon himself had peremptorily killed his boom the New York delegation unanimously indorsed Fairbanks and Depew seconded his nomination. Both Roosevelt and Fairbanks were unanimously nominated.

While the Republicans were still at Chicago they began to talk of Elihu Root for Governor. Platt was anxious for this, hoping to bring forth a man who might challenge Odell's leadership; but Root refused to be drawn into the race and Platt then sought to nominate Timothy L. Woodruff.<sup>12</sup> Odell went to Europe in the spring, and in Paris tried to induce Horace Porter to run. He also offered his support to Nicholas Murray Butler, but neither would be a candidate.<sup>13</sup> When the State convention, over which J. Sloat Fassett and George R. Malby presided, met at Saratoga on September 14 he had no avowed candidate, though he was believed to look with favor on Higgins or Francis Hendricks. Platt asserted that he had promised to keep his hands off. If that had been his intention it was modified by the disposition of county leaders not to take Woodruff seriously, and finally by Roosevelt's insistence on some other nomination. Nevada N. Stranahan, Collector of the Port of New York, ostensibly represented Roosevelt on the ground, but Francis Hendricks had the President's entire confidence and was entrusted

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<sup>12</sup>Platt, *Autobiography*, p. 455.

<sup>13</sup>Statement of Mr. Odell to the writer, June 25, 1917.

by him with the task of selecting the candidate who would receive the support of the national administration. Both were close friends of Higgins, and with Roosevelt's consent threw the entire influence of the administration to the support of the Lieutenant-Governor. Woodruff was a ready speaker, and generally well liked. A somewhat showy taste in dress, much exaggerated by newspaper cartoonists, and the familiar nickname of "Tim," militated against the appreciation of his real abilities. His standing with his party associates also suffered from his proverbial lack of stability in a fight. Platt resisted all invitations to join the conference intended to agree on some candidate other than Woodruff, but most of the leaders, including Black, Payn, Raines, Barnes, Hendricks, Ward, and Aldridge, joined with Odell in a conference, and its outcome was an agreement on Higgins after Odell had discovered that any other solution meant an open break with the President, which he could not afford to have.

As it was clear that Odell controlled the convention, Platt in conference with him finally agreed that after a demonstration had been made for Woodruff the opposition would not be prolonged. The demonstration, however, was carried further than Woodruff himself intended. As the speech prepared by Frederick E. Crane to herald Woodruff as a successful candidate was obviously inappropriate, Woodruff asked William A. Prendergast to present him. Prendergast, who had previously opposed Woodruff and was only an alternate, consented on condition that he have a free hand. After Arthur C. Wade had nominated Higgins,



Prendergast named Woodruff in a speech full of cutting phrases about the "open convention" that had been promised them, in which the only thing they found open was a trap-door prepared for their friends. Odell was compelled to listen in silence to this arraignment of his own good faith because he could not reply that the exclusion of Woodruff, which passed as his own ruthless policy, had really been decided upon in Washington.<sup>14</sup> James T. Rogers of Broome followed with a plea against the humiliation of Platt. For a few minutes it looked as if the division was irreconcilably bitter, but just as the roll-call was about to begin Woodruff asked to be heard. He said it was clear that the action of the convention was determined, and he wished to save the delegates from the embarrassment of choosing between two good friends. The convention could keep him from command, but could not drive him from the ranks of the party. He paid a warm personal tribute to Higgins and moved his unanimous nomination.<sup>15</sup> The rest of the ticket was nominated without dissent.<sup>16</sup>

The nomination of Edgar M. Cullen for Chief-Judge of the Court of Appeals to succeed Judge Parker was brought about by the New York *Tribune*, which

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<sup>14</sup>Statement of Mr. Prendergast to the writer, April 30, 1918.

<sup>15</sup>New York *Tribune*, September 15, 16, 1904.

<sup>16</sup>The ticket was: Governor, Frank W. Higgins, Cattaraugus; Lieutenant-Governor, M. Linn Bruce, New York; Secretary of State, John F. O'Brien, Clinton; Comptroller, Otto Kelsey, Livingston; Treasurer, John Wallenmeier, Jr., Erie; Attorney-General, Julius M. Mayer, New York; State Engineer, Henry A. Van Alstyne, Columbia; Chief-Judge of the Court of Appeals, Edgar M. Cullen, Kings; Associate-Judge of the Court of Appeals, William E. Werner, Monroe.





GEORGE BRINTOM MCCLELLAN

George Brintom McClellan, mayor of New York; born at Dresden, Saxony, November 23, 1865; graduated from Princeton, 1886; reporter on the staff of several New York dailies; admitted to the bar, 1892; president of the board of aldermen, New York City, 1893-1894; representative in congress, 1895-1903; mayor of Greater New York, 1903-1909.





NATHAN STRAUS

Nathan Straus, merchant; born Rhenish Bavaria Jan. 21, 1848; came to U. S. with family, 1854; attended school in Talbotson, Ga.; went to New York, 1865; partner R. H. Macy's department store New York and Abraham & Straus, Brooklyn until 1914 when he retired; originated and maintained at his own expense laboratory and system of distribution of pasteurized milk for the poor of New York City; distributed coal to poor of New York, winter of 1892-1893; in panic of 1893-1894 maintained a system of lodging houses for the homeless; during winter of 1914-1915 served 1,135,371 penny meals from his milk depot; sold his steam yacht *Siciliana* in 1915 and gave proceeds for the feeding of war orphans; appointed by secretary Josephus C. Daniels member of commission to investigate charges of improper conditions on the hospital ship, *Solace*; reported charges unfounded.





before Parker resigned suggested that Cullen, a Democratic Supreme Court Justice assigned to the Court of Appeals, should be promoted, and that at the same time William E. Werner, a Republican, the other Judge sitting by assignment, should be nominated by both parties for the second elective vacancy.<sup>17</sup> In pursuance of this plan Governor Odell on September 2 appointed Cullen Chief-Judge, and the State convention approved the policy by nominating both Cullen and Werner for full terms.

The convention indorsed Roosevelt and the Chicago platform, commended the "firm resolution, abiding common sense, and strict integrity" of the Odell administration, and favored the continued development of the indirect tax system as the greatest step onward in the history of the commonwealth for relief from taxation.

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<sup>17</sup>New York Tribune, July 29, 1904.

## CHAPTER VII

### JUDGE PARKER LEADS THE DEMOCRATS

1904

CONSERVATIVES looking for the reestablishment of a "sane and safe" Democracy began a year before the national convention to talk of nominating Cleveland. The Brooklyn *Eagle* was active in this movement until Cleveland, on November 25, 1903, wrote to St. Clair McKelway positively refusing to be a candidate.<sup>1</sup> Then they turned to Alton B. Parker.

Although Parker had rejected Hill's advice to run for Governor, after Coler's defeat Hill set to work to groom the Chief-Judge for the Presidency. Danforth was sent south to work up sentiment for him as a conservative Democrat who could bring all wings of the party together.<sup>2</sup> But all reference to his views on free silver was carefully avoided. The Democracy, having twice followed Bryan to defeat, was ready for a conservative, but the radicals were still too powerful to be squarely challenged on the financial issue. Hill could not win even New York without a struggle.

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<sup>1</sup>Brooklyn *Eagle*, November 27, 1903.

<sup>2</sup>New York *Tribune*, May 24, 1904.

William R. Hearst, the owner of the New York *American*, put himself into the field, and with the aid of much agitation in his newspapers gained a considerable following throughout the country, though he was unable to get any significant support in the State organization. A more serious problem was presented by the opposition of Charles F. Murphy, who first brought forward the name of Mayor McClellan as New York's candidate and, when that failed to receive support, concentrated his energies on resistance to Parker instructions.

At the State convention in Albany on April 18, presided over by George Raines, who had presented the platform favoring the seizure of the coal mines two years before, a thoroughly conservative platform declaring for State rights and no centralization was adopted. All reference to the silver question was carefully excluded. Hill had wanted to make some concession to radicalism in order to conciliate Bryan, but Parker's influence prevented this. By a vote of 301 to 140 the delegation was instructed for Parker. The minority vote came from Tammany and the Ninth district of Kings, which was in revolt against the leadership of McCarren, at the moment Hill's ally at war with Tammany. Hill refused to give Tammany any representation among the delegates-at-large unless Murphy would withdraw his opposition to instructions. Murphy stood firmly against this, until in deference to Parker Hill conceded full representation to Tammany despite its obstructive stand. The delegates-at-large were Hill, Edward Murphy, Jr., George Ehret of New

York, and James W. Ridgway of Brooklyn.<sup>3</sup> Incidentally, John Raines, Republican President *pro tem.* of the Senate and brother of the chairman of the convention, sitting in a box, viewed the proceedings of the convention with interest and at times apparently with grim satisfaction.

Bryan on April 23 spoke in Chicago attacking the Parker movement, declaring that there was not a line in the New York platform "written in behalf of the people, not a line that will excite criticism in Wall Street," and saying: "I am sanguine enough to believe that I can prove to every unbiased mind that Judge Parker is not a fit man to be nominated, either by the Democratic party or by any other party that stands for honesty or fair dealing in politics."<sup>4</sup> Nevertheless the desire of southern and western Democrats for eastern Electoral votes carried many who sympathized with his views into the Parker camp, and when the Democratic national convention assembled in St. Louis on July 6 little doubt remained of Parker's nomination. Murphy talked McClellan and told the westerners that Parker's nomination would imperil New York, though Tammany's opposition to a New York candidate had been discounted by its attitude toward Tilden and later toward Cleveland. Murphy himself under the unit rule was forced to vote for Parker. Bryan made a test of strength in a fight for the Hearst and against the John P. Hopkins delegation from Illinois, on the ground that the latter was the product of high-handed

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<sup>3</sup>New York *Tribune*, April 19, 1904.

<sup>4</sup>New York *Tribune*, April 24, 1904.



fraud.<sup>5</sup> But he was defeated, 647 to 299. On no other question could he gather even so large a vote.

A sub-committee of the platform committee, of which Hill was a member, prepared a plank saying that the discoveries of gold had contributed to the maintenance of a money standard no longer open to question, removing that issue from the field of political contention. In the full committee Bryan sought to learn how Parker stood toward silver, but Hill as his spokesman professed entire ignorance on the subject. "Do you mean to say," asked Bryan, "that you don't know Judge Parker's financial views?" and Hill answered: "I mean just that." The committee by a vote of 35 to 15 struck out Hill's plank and decided to maintain silence on the money question. The Bryan men in return consented to the elimination of a plank favoring an income tax and another for public ownership of railroads.<sup>6</sup> The platform as agreed upon was adopted without opposition. It declared for tariff revision and the enforcement of anti-trust laws, and was emphatic in its condemnation of "executive usurpation" and the exercise by Roosevelt of "arbitrary" powers. In presenting Parker's name, Martin W. Littleton said: "If you ask why he has been silent, I tell you it is because he does not claim to be master of the Democratic party, but is content to be its servant."<sup>7</sup> In a speech on behalf of Senator Francis M. Cockrell of Missouri, Bryan referred to Black's militant phrases in nominating

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<sup>5</sup>New York *Tribune*, July 8, 1904.

<sup>6</sup>New York *Tribune*, July 8 and 9, 1904.

<sup>7</sup>New York *Tribune*, July 9, 1904.

Roosevelt, and at the same time took a fling at Judge Parker, saying: "Give us a pilot who will guide the Democratic ship from militarism, the Scylla of militarism, without wrecking her upon the Charybdis of commercialism."<sup>8</sup>

The irreconcilable Bryan vote divided between Hearst and Cockrell, and Parker was nominated on the first ballot. The vote after changes was: Parker, 679; Hearst, 181; Cockrell, 42; Olney, 38; Edward C. Wall, 27; George Gray, 12; John Sharp Williams, 8; George B. McClellan, 3; Nelson A. Miles, 3; Charles A. Towne, 2; Robert E. Pattison, 4; Bird S. Coler, 1. The nomination for Vice-President went to the venerable Henry G. Davis of West Virginia, a wealthy coal operator and long a United States Senator.

Until after the platform that avoided the money issue had been adopted and the nomination made, Parker preserved absolute silence. He was nominated in the early morning of Sunday, July 9. That same morning, in an article entitled "Insane and Unsafe," the *New York Times* declared that he could never be elected on Bryan's platform. Pointing out that the convention expressly refused to declare for gold, thereby confessing that the Democracy was not cured of the free silver craze, the *Times* continued: "He must at once declare, sound money Democrats will demand that he declare, that the gold monetary standard, as now established by law, is permanent and no longer open to question." "Better another term of Roosevelt, better Roosevelt indefinitely, than one term of a President of a party which

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<sup>8</sup>*New York World*, July 10, 1904.

confesses itself to be still insane and unsafe."<sup>9</sup> The *World* also called on Parker to repudiate the evasion as the alternative to giving Roosevelt a walkover.<sup>10</sup> Judge Parker, from his country home at Esopus, as soon as he had read the news that his supporters had evaded the question about his financial views, sent this telegram to the convention:

*"Hon. William F. Sheehan, Hotel Jefferson, St. Louis, Mo.—* I regard the gold standard as firmly and irrevocably established and shall act accordingly if the action of the convention to-day shall be ratified by the people. As the platform is silent on the subject my view should be made known to the convention, and if it prove to be unsatisfactory to the majority I request you to decline the nomination for me at once so that another may be nominated before adjournment.

*"ALTON B. PARKER."*

It was too late for the convention to make another nomination, even if it had been so disposed. The Bryan men were furious, and charged that they had been tricked. Hill, in the face of his earlier professions of ignorance, stated: "I do say that no intelligent delegate, or State delegation, voted for Judge Parker without knowing exactly where Judge Parker stood."<sup>11</sup> After long debate among the leaders the convention agreed, by a vote of 794 to 191, to reply to the Judge that the platform was silent on the money question because it was not an issue and that there was nothing in the views declared by him that precluded him from running. This was the only possible course,

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<sup>9</sup>New York *Times*, July 9, 1904.

<sup>10</sup>New York *World*, July 9, 1904.

<sup>11</sup>New York *Tribune*, July 10, 1904.

for a hopeless conflict would have followed an attempt either to remake the platform or to choose a new candidate.

The telegram was enthusiastically received by the conservative Democrats of New York, who saw in Parker their long-sought leader, ready to waive a nomination for his convictions. In a pæan of praise entitled "A Man at Last," the New York *Evening Post* declared: "Nothing so fine is known in our political annals."<sup>12</sup> Parker's judicial position furnished reason for him to maintain silence until his actual nomination forced a declaration, and he had not understood that his financial views were subject to any reasonable doubt; but the course of Hill is difficult to explain, unless it be that he thought Parker would and could remain through the campaign in an equivocal position on the money question.

The Democratic factions were in a turmoil over their State ticket until the last moment. After some talk about DeLancey Nicoll and Daniel S. Lamont, the independent Democrats, led by the New York *Times*, favored Edward M. Shepard for Governor.<sup>13</sup> Tammany and the anti-McCarren faction in Brooklyn, led by James Shevlin, supported George M. Palmer of Schoharie, with Shepard as a second choice. They were bitterly opposed to the candidacy of Grout, who in the City Comptroller's office had been displacing Tammany office-holders with McCarren adherents.<sup>14</sup>

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<sup>12</sup>New York *Evening Post*, July 11, 1904.

<sup>13</sup>New York *Times*, September 1, 18, 1904.

<sup>14</sup>New York *Times*, June 24, 1904.



William Travers Jerome seemed a possibility for a time, and Hill conferred with him, but found him unwilling to give any assurances as to how he would treat the organization. Hill and McCarren then settled on Grout, after Hill found that Stanchfield was unacceptable to his allies.<sup>15</sup>

Meanwhile Joseph Pulitzer, alarmed by the lagging of the campaign and the ineffectiveness of the candidate's apparent judicial aloofness, urged Parker to put aside the politicians and take the control of the situation himself.

The State convention met at Saratoga on September 20. William B. Hornblower was chosen temporary chairman and Cord Meyer, chairman of the State committee, appointed Charles F. Murphy and McCarren as a committee to conduct him to the chair. Murphy showed the bitterness of his feeling by remaining in his seat and refusing to act with McCarren. Duncan Campbell Lee was permanent chairman. The independents earnestly urged Shepard upon Hill, who replied that Shepard had no delegation to stand sponsor for him, and asked how he could be expected to nominate a man when the majority from his own county protested against him. That ended the Shepard movement.<sup>16</sup>

Murphy maintained his stand against Grout, but up to noon on the 21st the newspapers reported that Hill and McCarren could and would nominate him. Then at the last minute the leaders agreed upon Justice

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<sup>15</sup>New York *Times*, September 17, 19, 1904.

<sup>16</sup>New York *Tribune*, September 21, 1904.

D-Cady Herrick of Albany. This change has been attributed to the intervention of Judge Parker and to a statement to Hill by William F. Sheehan after consultation by telephone with Parker that, if they persisted in nominating Grout as they had the votes to do, he would say to the convention that Judge Parker's friends would not consider Grout's candidacy to be in his interest, owing to Tammany's hostile attitude.<sup>17</sup> Judge Parker, however, has denied taking any hand against Grout. His sole exertion of influence on the convention was respecting the judicial nominations. When he read in a newspaper that Hill planned to nominate Herrick for Chief-Judge, he sent a special messenger to Hill with a letter urging the naming of Cullen and Werner in deference to a policy that he had long advocated. In thus sidetracking Herrick he might have been indirectly responsible for the abandonment of Grout; for Hill might have felt it expedient after Herrick's name had been brought to public attention to place him somewhere on the ticket.<sup>18</sup> At any rate Herrick offered a convenient escape from a bitter contest. On the other hand Hill is reported to have intimated to several friends three days before the nomination that it would go to Herrick. Though Herrick had been the leader of the anti-Hill faction in Albany, Hill presented his name to the convention, which nominated him by acclamation. What the motives and circumstances were that controlled his mysterious methods in this convention, so far as is known Hill never disclosed.

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<sup>17</sup>*New York Tribune*, September 22, 1904.

<sup>18</sup>Statement of Judge Parker to the writer, May 11 and 25, 1921.

For Judge of the Court of Appeals Hill was reluctant to nominate Cullen, whose decision had rebuked the Dutchess county election transaction of 1891, and he was more reluctant to nominate Werner because Cunneen demanded the place. Parker, however, thought it was his party's duty to meet the Republican offer of a non-partisan judicial ticket, and after attempts had been made to break up the plan by suggesting to Cullen that he run for Governor, which he refused to do,<sup>19</sup> Parker's letter left Hill no choice but to nominate the two Judges, though he told its bearers that the message was embarrassing.<sup>20</sup>

The platform declared that the paramount and overwhelming issue in State affairs was between official honesty and official corruption. It arraigned the one man power of Odell acting as chairman of a political machine in violation of his sworn obligation as a servant of the whole people. "For the first time in its history," it said, "the Empire State has a Governor whose personal integrity rests under widespread suspicion." No proof was offered then, or by speakers in the campaign, to justify any such charge, and the leading Democratic newspapers rebuked the platform makers for it.

The Democrats entered the campaign with confidence.

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<sup>19</sup>Interview with Judge Cullen, *New York World*, September 11, 1904.

<sup>20</sup>The ticket was: Governor, D-Cady Herrick, Albany; Lieutenant-Governor, Francis Burton Harrison, New York; Comptroller, George Hall, St. Lawrence; Treasurer, William Muench, Onondaga; Attorney-General, John Cunneen, Erie; State Engineer, Thomas H. Stryker, Oneida; Chief-Judge of the Court of Appeals, Edgar M. Cullen, Kings; Associate-Judge of the Court of Appeals, William E. Werner, Monroe.



They expected the great corporations, which had been offended by Roosevelt's trust prosecutions, to rally to Parker. The Northern Securities decision, it was hoped, would cause James J. Hill and others similarly affected to throw moral and financial support to Parker.<sup>21</sup> But these hopes failed to materialize.

Parker turned to the plain people. He particularly centered his fire on George B. Cortelyou, who had left the Department of Commerce and Labor to become chairman of the Republican national committee. He charged that money was being extorted from corporations, and his newspaper supporters, particularly the *New York Times* and *Brooklyn Eagle*, went even farther, declaring that corporation secrets obtained by Cortelyou as Secretary of Commerce and Labor were made available for purposes of blackmail. Roosevelt squarely denied the charge. The Republicans took up the gage and demanded proof of a single instance of extortion, or of any contribution that carried with it any lien on his administration. Parker could not furnish details, and he turned from the point to discussion of the ethics of corporation contributions in general. On this popular sentiment reacted against him. The subsequent revelation that in the last days of the campaign, when the Republicans feared the result in New York, a large sum had been raised by E. H. Harriman and others, who contributed to the State campaign through Depew, was seized upon as proof of the charges. But this did not touch the issue of blackmail

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<sup>21</sup>*New York Times*, August 9, 1904.



that so aroused Roosevelt and on which no evidence was ever brought forward. Harriman's complaint in his letter to Sidney Webster was that his service had not been appreciated. The revelation did bear, however, on the influence that prevented the success of Odell's plan to retire Depew from the United States Senate.<sup>22</sup>

In the State campaign the Democrats attacked the Republican administration of the canals, especially dwelling on statements made by Attorney-General Cunneen that despite his resistance his Republican colleagues on the Canal board had paid for the excavation of hardpan as rock. They carried through the State samples of disintegrated hardpan, and told the voters that this earth was what Higgins had paid rock prices for. It was answered that hardpan that could not be plowed was by uniform practice in the engineering profession classed as rock, and that hardpan, even though it might require blasting, would disintegrate after exposure to the air. Reputable Democratic newspapers immediately acknowledged the complete vindication of Higgins.<sup>23</sup> Herrick in turn was attacked as a political Judge, who after going on the bench had been condemned for continuing actively to manage the organization of his political faction, by newspapers that later supported his candidacy for Governor.<sup>24</sup>

The election brought unexpectedly sweeping victory to the Republicans. Roosevelt was overwhelmingly

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<sup>22</sup>New York *Times*, October 1, 1904; New York *Tribune*, November 1, 5, 6, 7, 1904.

<sup>23</sup>Quotations in New York *Tribune*, November 1, 1904.

<sup>24</sup>New York *Tribune*, September 22, 23, 24, 26, 1904.

elected. He had 336 Electoral votes to Parker's 140. He carried New York by 175,552 plurality. The vote was: Roosevelt, 859,533; Parker, 683,981; Debs (Social Democrat), 36,883; Swallow (Prohibition), 20,787; Corrigan (Socialist Labor), 9,127; Watson (Populist), 7,459. Higgins won by a plurality of 80,560. The vote was: Higgins, 813,264; Herrick, 732,704; Thomas Prendergast (Social Democrat), 36,259; John McKee (Prohibition), 20,568; Daniel DeLeon (Socialist Labor), 8,976; Alfred J. Bolton (Populist), 6,015. The Republicans won 26 of the 37 Congressmen, 36 of the 50 Senators, and 104 of the 150 Assemblymen. Nixon was elected Speaker for his seventh and last term. His untimely death before the close of this term terminated the career of one of the strongest political figures in the history of the State.

## CHAPTER VIII

### ODELL OVERTHROWN

1904-1905

THE Republican victory brought Odell, now apparently in complete control of the organization, face to face with the Senatorial problem. Black wanted Depew's place and had an enthusiastic following among Odell's friends in the New York Congressional delegation, who had come to be spoken of, from a humorously named dining coterie, as the "Tapeworm Club." Depew before election believed the Republican organization was committed to him.<sup>1</sup> But when the time for the line-up came Odell was understood to favor Black. His preference was not the result of objection to Depew, but of his alliance with Black and political exigencies, which called for a Senator in sympathy with him and selected by him to maintain the leadership that he had taken over from Platt. He also later said that he acted at the request of the President. Platt aggressively favored Depew. It was generally believed that Odell's decision would be controlling. The Black men fully counted on his decision in their favor until the end of

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<sup>1</sup>Statement of Mr. Depew to the writer, June 15, 1917.

December, when he suddenly abandoned the fight and said that he would support Depew.<sup>2</sup> Wallace T. Foote of Port Henry, one of Black's closest friends, quoted Odell as explaining that he could not go for Black without breaking with his best friend, who was understood by Foote to be E. H. Harriman.<sup>3</sup> However this may have been, Depew had claims founded on the friendship of a large group of financiers who had rendered invaluable assistance in the preceding campaign. With the exception of William Rockefeller, who favored Black,<sup>4</sup> the great financial powers were active on behalf of Depew. He had the loyal support of a host of personal friends throughout the State and nation, as well as the passive favor of many of the organization leaders who were counted for Black. William Barnes, Jr., who made a canvass of the Legislature, informed Depew that Odell could not get within ten votes of a majority for Black.<sup>5</sup> Odell afterward said that he stood by Black until many of Black's ostensible friends had deserted him, and he doubted if he could have elected Black if he had persisted. Many men who were prepared under organization direction to vote for Black, persisted in saying to Odell that they really wanted to support Depew.<sup>6</sup> While the struggle was going on attempts

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<sup>2</sup>New York *World* and *Tribune*, December 30, 1904.

<sup>3</sup>Statement by Mr. Foote to the writer in 1905. See also statement of the New York *World*, a supporter of Depew, on December 30, 1904, that on the night before the settlement Odell had told Black's friends that he would not finally decide until he had talked with one man, and that he then conferred with Harriman, who urged union on Depew.

<sup>4</sup>Statement of Mr. Odell to the writer, June 25, 1917.

<sup>5</sup>Statement of Mr. Depew to the writer, June 15, 1917.

<sup>6</sup>Statement of Mr. Odell to the writer, June 25, 1917.





FRANK WAYLAND HIGGINS

Frank Wayland Higgins, 38th governor (1905-1906); born Allegany county, New York, August 18, 1856; state senator, 1893-1902; elected lieutenant governor, 1902; elected governor, 1904; died at Olean, N. Y., February 12, 1907.





ALTON BROOKS PARKER

Alton Brooks Parker, jurist; born, Cortland, N. Y., May 14, 1852; student Cortland academy and Cortland normal school; graduated Albany law school, 1873; admitted to the bar; practiced in Kingston, N. Y.; surrogate, Ulster county, 1877-1885; delegate democratic national convention, 1884; tendered office of first assistant postmaster general by President Cleveland in 1885; chairman democratic state committee, 1885; appointed justice supreme court of New York, 1885; elected, 1886; member general term, 1889-1896; of appellate division, 1896-1897; chief judge court of appeals, January 1, 1898 to August 5, 1904; resigned to accept democratic nomination for president; defeated by Theodore Roosevelt; delegate at large and New York member of the platform committee at democratic national convention, 1908; president American bar association, 1906-1907; president, New York county lawyers' association.





were made to secure a compromise, but Depew rejected the suggestion that he withdraw and allow Black's election and himself take the embassy at Berlin. Wherever this suggestion originated, it carried with it no more than the readiness of the organization to back Depew for a consolation prize. When Depew afterward told Roosevelt of the proposal, Roosevelt said that it did not come from him, that in fact he would not have appointed Depew, as he had another man picked.<sup>7</sup> Black accepted his defeat gracefully, and Depew was elected Senator by a vote of 136 to 57 cast by the Democrats for Smith M. Weed.

The Senatorial contest hurt Odell's prestige, but he still retained command of the organization, and Platt's authority ceased to be more than nominal. The existence of a new order was conspicuously shown in the appointment at the beginning of Roosevelt's second administration of Whitelaw Reid to the embassy in London, where he served for nearly eight years, until his death in December, 1912. Generally Platt was an "easy boss," as he liked to be called, consulting many, holding few personal grudges, and often changing his plans under advice. But he was limited in his views of party welfare, intent on enforcing obedience to the machine, and proscriptive toward those whom he could not control. This was the traditional attitude of leading New York politicians from a very early period; for even in the times of Burr and Van Buren the New York party despotism, founded on spoils, excited

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<sup>7</sup>Statement of Mr. Depew to the writer, June 15, 1917.

mingled reproach and admiration in other States.<sup>8</sup> Roosevelt treated this whole theory of political overlordship with a tolerant and amused contempt. Writing to Hay about a candidate the fervor and number of whose indorsements "would justify his appointment as Secretary of State," though he only wanted the consulship at Fort Erie, Roosevelt said: "Senator Platt and Congressman Alexander have nearly burst into tears at the thought of its going elsewhere—Congressman Alexander is listening to me as I pen this. If Hitt's [Congressman Hitt of Illinois] man can be put elsewhere, can we not continue Erie as a *feudal* appanage of Buffalo?" The critics of Platt's methods were not merely factionists and reformers in New York. A shrewd, honest Republican partisan like Senator Orville H. Platt, of Connecticut, resented them. Writing to a constituent, whom he had placed in the New York custom house despite the New York Senator's pretensions to exclusive right in its patronage, he advised him not to join the New York organization, saying: "I imagine that backing from New York requires a lot of political subserviency—backing from Connecticut will not."<sup>9</sup> An earlier Connecticut statesman, Gideon Welles, had been similarly critical of the politics of Fenton and Weed.

Governor Higgins took no part in the Senatorial dispute, though preferring Depew, but gave his attention to questions of State administration, on which his

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<sup>8</sup>James Parton, *Life of Andrew Jackson*, III, pp. 122, 136; Edward M. Shepard, *Life of Martin Van Buren*, p. 49, *et seq.*

<sup>9</sup>Louis A. Coolidge, *An Old-Fashioned Senator: Orville H. Platt*, p. 533.

service in the Senate had made him proficient. He appointed his neighbor and trusted friend Nicholas V. V. Franchot Superintendent of Public Works. He extended the operation of the civil service rules to several new counties.<sup>10</sup> In accordance with his policy of developing indirect taxation the Legislature imposed a tax of one-half of one per cent. on mortgages and a tax on the transfer of stock. It also passed an act allowing New York City to build its great water supply system to the Catskills, and at the same time established a State Water Supply commission to exercise general supervision over the acquisition of watersheds by cities.<sup>11</sup> The term of the Mayor of New York was at this session extended to four years. A controversy over city gas contracts in New York City led to the appointment of a legislative committee under the chairmanship of Senator Frederick C. Stevens, to investigate the gas companies. This committee chose as its counsel Charles E. Hughes, whose ability in the analysis of figures and in the discovery of the basic facts relating to the gas companies first brought him into public notice. As a result of this committee's work a State Gas commission was created.

The Governor called the Legislature in extra session<sup>12</sup> on June 21 to consider charges against Justice Warren B. Hooker of the Supreme Court and to deal with the scandals that had been revealed in the management of insurance companies. The allegations against Hooker did not touch his judicial conduct, but concerned the use of his political influence, before he went

<sup>10</sup>Report of the State Civil Service Commission, 1905, p. 23.

<sup>11</sup>Lincoln, *Messages from the Governors*, X, pp. 744, 769, 800.

<sup>12</sup>Lincoln, *Messages from the Governors*, X, pp. 819, 825 *et seq.*



on the bench, to place persons on the payroll of the Fredonia post office who rendered no service to the government. One of the appointees was a debtor to his wife, and it was charged that his salary went to pay her claim. It was also charged that he had improperly obtained excessive rentals for post office quarters in a building in which he was interested. Proceedings were taken against him on the ground that these transactions showed him morally unfit for judicial office. But the attempt to remove him by concurrent resolution failed for lack of the necessary two-thirds vote in the Assembly, where 76 members were for his removal and 67 against it. No action was taken by the Senate.

The insurance scandals were first brought to public attention by a quarrel over the management of the Equitable Life Assurance Society between James W. Alexander, the president, and James Hazen Hyde, who had inherited a majority stock ownership from his father, Henry B. Hyde, the builder of the company. Revelations showed gross extravagance and use of corporate funds for all sorts of extraneous private and political purposes. Governor Higgins believed that the Insurance department could best discover the facts on which the evidently needed remedial legislation might be based. At the same time, as an alternative, he suggested a legislative investigation.<sup>13</sup> This was determined upon and a committee, of which Senator William W. Armstrong of Rochester was chairman, sat in New York through the summer and fall. For its leading counsel the committee selected Charles E.

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<sup>13</sup>Lincoln, *Messages from the Governors*, X, p. 822 *et seq.*



Hughes and James McKeen. It did not report until 1906, but the searching examinations conducted by Hughes brought out from day to day evidence of gigantic abuses in most of the large companies. Enormous salaries were paid to insiders, large sums were contributed to political campaign funds, notorious lobbyists were employed and furnished with money for which they gave no account. Platt; Depew, who had long been one of the counsel of the Equitable; Odell; Payn; George W. Perkins, one of the vice-presidents of the New York Life Insurance Company; and E. H. Harriman, who had fought with Thomas F. Ryan for a share in the control of the Equitable when Ryan bought the Hyde stock, were all put on the stand. The enormous assets of these companies gave such power to those who could direct their investment as to provoke keen rivalries in the financial community for their control. They also offered a tempting bait for the "strike" legislator, and the managers had recklessly used them, sometimes to serve their own personal ends, sometimes, with a perverted sense of duty, for what they considered the welfare of the companies, in influencing legislation and in securing the favor of politicians.

While the inquiry was under way the municipal campaign in New York City came on. Tammany renominated McClellan and the Republicans, hoping to profit from the great popular reputation of Hughes, nominated him, though it was charged that the nomination was made to draw him off from further investigation. Yet it was offered with the understanding that he should not be asked to take any part in the

campaign, but should go on and finish his work. He felt, however, that, even so, his usefulness would be impaired and he declined to run.<sup>14</sup> William M. Ivins was then nominated for Mayor.<sup>15</sup> A new political element was injected into the campaign by the candidacy of William R. Hearst. After the collapse of his Democratic Presidential boom he devoted himself and his papers to the organization of a personally controlled Municipal Ownership party. Into it he gathered advocates of municipal ownership of public utilities and a large number of radicals and labor leaders. To conservative citizens his doctrines appeared dangerous and he and his journalistic methods even more so. Large numbers of Republicans felt that Tammany was better than Hearst, and, fearing the strength of the agitation that Hearst had started, deserted Ivins for McClellan. As it was, McClellan won by an exceedingly narrow margin, the honesty of which Hearst challenged. The vote as returned was: McClellan, 228,397; Hearst, 224,929; Ivins, 137,193. Another surprise of the campaign was the reelection of William Travers Jerome, District Attorney of New York county, on a purely personal ticket, with candidates nominated against him by both the old parties and the Municipal Ownership organization. After he had declined offers to make him the anti-Tammany candidate for Mayor,<sup>16</sup> many Republicans urged his nomination for District Attorney. He refused, however, to make common cause against Tam-

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<sup>14</sup>New York *Times*, October 7, 8, 9, 12, 1905.

<sup>15</sup>New York *Tribune*, October 13, 1905.

<sup>16</sup>New York *Tribune*, September 4, 6, 1905.

many with William J. Gaynor as the Fusion candidate for Mayor, thus preventing Gaynor from running,<sup>17</sup> and the organization leaders named Charles A. Flammer. In the midst of the campaign Flammer withdrew from a candidacy that was evidently helpful only to Tammany, and the Republicans then tried to substitute Jerome. The Election law did not permit this, and Flammer's name stayed on the ticket. But the vote was turned as far as possible to Jerome, who received 126,157 votes to 111,093 for James W. Osborne (Democrat), 75,851 for Clarence J. Shearn (Municipal Ownership), and 13,454 for Charles A. Flammer. The Republicans elected 108 Assemblymen, the Democrats 38, and the Municipal Ownership League 4. In several districts the Hearst indorsement was given to Republican candidates. Seven constitutional amendments were submitted and adopted at this election. They authorized the issue of fifty-year instead of eighteen-year bonds for State improvements, and the omission when not necessary of direct taxation for the sinking fund, which had before been mandatory; an increase in the number of Justices; the creation of a new judicial district; the holding by Appellate Judges of terms of the Supreme Court in certain cases; the regulation of labor on public work, and the creation of a debt not to exceed \$50,000,000 for the improvement of highways. The city of New York was allowed to exclude debt incurred in the building of its water supply system from consideration in determining its debt limit.<sup>18</sup>

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<sup>17</sup>New York *Tribune*, October 17, 1905.

<sup>18</sup>Lincoln, *Constitutional History of New York*, III, pp. 692, 693.



The death of Speaker Nixon on October 10 was a serious blow to Odell's domination of the Republican party. His enemies in the organization were already numerous. In the Senatorial contest he had enraged the Black following without endearing himself to Depew's friends. The President was also dissatisfied. The relation of the party to the evils revealed by the insurance investigation disturbed him, and he classed Odell with the Harriman financial interests. Harriman and his friends, whom Roosevelt had called "malefactors of great wealth," were extremely bitter toward the President on account of his railroad policy. Odell picked Edwin A. Merritt, Jr., of St. Lawrence for Speaker, expecting to continue in the organization the close control over legislation that Nixon had exercised for it with his arbitrary but personally popular sway. When Higgins and the State chairman met at the Manhattan Hotel in New York on December 15, the Governor refused to support Merritt or tell Odell whom he favored. Odell warned him that this meant breaking with the organization, but the Governor would not yield, and the two never spoke again.<sup>19</sup> They were already almost at the parting of the ways; for, though Higgins was regular in all his impulses, he took office with the pledge that while listening to the leaders he would in the last analysis exercise his individual judgment, and he kept that pledge both in regard to bills and appointments. He often took positions that the organization disliked but felt forced to acquiesce in. He had alienated Platt at the beginning of his term by

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<sup>19</sup>Statement of Mr. Odell to the writer, June 25, 1917.



vetoing a special act allowing the sale of liquor by the Hotel Gotham in New York, which had been built within the prohibited distance from a church.<sup>20</sup>

Sherman Moreland, Robert Lynn Cox, J. Mayhew Wainwright, James T. Rogers, and S. Percy Hooker were all candidates against Merritt.<sup>21</sup> After a quiet conference held by different leaders opposed to Odell it was agreed that his power should be checked, but no one of the avowed rivals of Merritt was considered available. Finally in a meeting attended by the Governor, Hendricks, John F. O'Brien, and others, Aldridge brought forward the name of James W. Wadsworth, Jr., though he and the elder Wadsworth were at odds. The President was consulted and gave his approval, and at a subsequent gathering of the anti-Odell leaders the choice of Wadsworth was agreed upon. The Governor then gave a dinner to which the two Wadsworths were invited and surprised them by the announcement of this program. Wadsworth was a grandson of General James S. Wadsworth and son-in-law of John Hay, with a fine tradition of public service behind him. He had been a member of the Assembly but one year and was almost its youngest member. However, his ability, honesty of purpose, sincerity, fearlessness in expressing his convictions, and high character, as well as his genial good-fellowship, had already marked him as a popular and influential legislative leader. His one drawback was lack of experience, but as Speaker he showed that faith in him had not been misplaced, and later as a

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<sup>20</sup>Lincoln, *Messages from the Governors*, X, p. 779.

<sup>21</sup>New York Tribune, November 30, 1905.

leader he displayed the rare quality of standing by unpopular convictions at the risk of his own political fortunes. On December 18 the Governor created general surprise by publicly declaring for him.

Odell, after the Manhattan Hotel conference, announced that whomever the Governor wanted would be chosen,<sup>22</sup> but when Wadsworth was put in the field and it became clear that his own leadership was challenged he joined in the fight for Merritt and attacked Higgins. In an interview he charged that Higgins had been consulted early and had a chance to make objection or suggestion and offered none. He also turned on the President, saying: "I went to see the President last year and the President said to me that it was a shame that New York should be represented in the Senate by two senile old men. He said the great State of New York should be represented by men capable of speaking for it with credit and commanding the attention of the Senate—men like Frank S. Black. I asked him whether I should understand him to favor the election of Mr. Black to succeed Senator Depew, and he said that he did. 'Do you want me to be for him?' I asked. 'I hope so,' he replied."<sup>23</sup>

Wadsworth had the powerful support of Herbert Parsons, who on December 21 won the chairmanship of the New York county committee against Odell's friends by a vote of 322 to 288, largely through the influence of Roosevelt, who urged on the New York leaders the necessity of complete reorganization and

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<sup>22</sup>New York *Tribune*, December 19, 1905.

<sup>23</sup>New York *Herald*, December 22, 1905.

housecleaning.<sup>24</sup> In the Republican caucus of January 2 Wadsworth was nominated by 75 votes to 15 for Wainwright and 14 for Merritt. The minority candidate was George M. Palmer. This defeat marked the virtual overthrow of Odell's political leadership. He still remained chairman, but the power passed to Roosevelt operating through Parsons in conjunction with Higgins and Hendricks.

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<sup>24</sup>New York *Tribune*, December 22, 1905.

## CHAPTER IX

### TAMMANY FOLLOWS HEARST IN VAIN

1906

THE new Legislature strove to live up to the demands of public opinion. It passed substantially as reported by the Armstrong committee the seven bills to correct insurance abuses, regulate lobbying, and forbid corporations to contribute to political funds.<sup>1</sup> Insurance Superintendent Hendricks insisted upon retiring, and at his earnest urging Otto Kelsey gave up the Comptrollership to take his place. An 80-cent gas bill was passed for New York City, and the annual mortgage tax was transformed into a recording tax.<sup>2</sup> The Speaker and most of the Assembly leaders were opposed to this change, but Wadsworth, true to his liberal policy, at the end of the session when the committee on rules had power to kill the measure allowed it to go to a vote.<sup>3</sup> The new Apportionment act caused serious factional differences between Senator Stevens and Congressman Wadsworth, father of the Speaker. They had a working agreement in the old Senate district composed of Livingston, Wyoming and Allegany Counties under which Stevens

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<sup>1</sup>Lincoln, *Messages from the Governors*, X, pp. 842, 847.

<sup>2</sup>Lincoln, *Messages from the Governors*, X, pp. 885, 920.

<sup>3</sup>New York *Tribune*, May 4, 1906.



received Livingston's support for the Senate and in turn threw Wadsworth the Wyoming vote in the Congressional district, made up of Livingston, Wyoming, Genesee, Orleans, and Niagara. The reapportionment took Allegany from the Senate district and substituted Genesee, where Archie E. Sanders and S. Percy Hooker had claims on the elder Wadsworth's support that he felt bound to recognize. He at once sent word to Stevens that their alliance was dissolved and later joined in nominating Hooker to succeed Stevens. Stevens resented this, blamed Wadsworth and Higgins for disrupting his district, and soon found opportunity for revenge on the Congressman. He backed Peter A. Porter of Niagara as an independent Republican candidate for Congress against Wadsworth in the fall. Wadsworth had antagonized Roosevelt's beef-packing legislation, and Porter, taking a cow for his emblem, pictured his opponent as a champion of the beef trust and with the Democratic and Hearst indorsement defeated Wadsworth.<sup>4</sup>

The insurance investigation whetted the public appetite for knowledge of financial abuses, and bank failures in Buffalo started a newspaper agitation for a banking investigation. Governor Higgins quietly opposed this because he felt that the publication of the records of individual banks and public questioning of their solvency might easily start bank runs and result in a financial crash.<sup>5</sup> The failure of the two houses to agree upon an investigation was loudly criticised.

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<sup>4</sup>New York *Tribune*, January 15, 1907.

<sup>5</sup>Statement of Governor Higgins to the writer at the time.

Nevertheless, at the end of the session the *Democratic World* declared: "The record of the present Legislature is the best that this political generation has known."<sup>6</sup>

Odell renewed his war with Higgins at the September primaries. Quigg made a fight for Odell in New York county against Parsons, but was signally defeated, as was William C. Warren, Odell's representative in Erie county, by Postmaster Fred Greiner.<sup>7</sup> After this victory Higgins issued a statement in which he said: "Two years ago I began my campaign with the pledge that I would, if elected, have an administration of my own. I have kept that pledge. By doing so I have met opposition from those who believe that Governors and Legislatures are safer public servants when they follow the guidance of a party boss than when they think for themselves and act on their own responsibility. . . . The result of the contest in the primaries for the principle of Executive independence has given courage to all who believe that the Governor should not be the puppet of party organization, and hope to all who deplore the supremacy of irresponsible political absolutism."<sup>8</sup>

The renomination of Higgins was certain if he cared to be a candidate, but he had no personal political ambitions and the strain of continuous public service, added to his large private business responsibilities, had seriously impaired his health. He therefore announced

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<sup>6</sup>New York *World*, May 4, 1906.

<sup>7</sup>New York *Tribune*, September 19, 1906.

<sup>8</sup>New York *Tribune*, September 25, 1906.

that he would not run. The *New York Times*, commenting on his decision, said: "It is an honorable retirement. He has on the whole been a pretty good Governor, and there would have been in general no quarrel with the decision of his party to follow its custom and give him a second term. He has won the nomination—that is plain. The defeat of Odell left him in clear control of the convention."<sup>9</sup> Hendricks and other political friends urged him to reconsider, but he insisted on retiring. His own first choice was Lieutenant-Governor Bruce. Parsons, however, had made up his mind that a candidate was needed who could arouse enthusiasm and that Hughes's work of investigation made him the most available man, and he had impressed his views upon Roosevelt. Arriving in Saratoga for the convention of September 25, he adroitly began to sound his own following with the suggestion, rather than the direction, that they might find Hughes their best candidate. After the primaries Odell had advised his friends to accept the situation and get on the band wagon, as many of them did. But finding the opposition without agreement on a candidate, Odell, who had some 350 of the 1,010 delegates, sought to force a concentration on ex-Governor Black. Black repelled the advances and declined to be a candidate unless he was the unanimous choice. Meantime Roosevelt had sent word through William W. Cocks, the Congressman from his own district, that he thought Hughes the most available man, and Higgins announced that he had no objections to Hughes. With that all opposition

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<sup>9</sup>*New York Times*, September 25, 1906.



ceased.<sup>10</sup> Michael E. Driscoll was temporary chairman of the convention and W. W. Armstrong was made permanent chairman, thus emphasizing the sympathy of the party for what Hughes had stood for. Hughes's name was presented by Job E. Hedges, and he and his associates were nominated unanimously.<sup>11</sup> The State committee immediately chose Woodruff chairman in place of Odell.

The platform reviewed and commended the Higgins administration, the insurance reforms, and the abolition of the direct State tax, indorsed Roosevelt's application of the Eight-hour law, condemned the suppression of the negro vote and mob barbarities in the south, and took strong ground against "experiment with socialistic theories," especially government ownership of trans-continental railways, which would "place more than a million and a quarter of railroad employes under political and partisan control."

Having almost won the Mayoralty, Hearst now aspired to become Governor. He organized and financed the Independence League, which in every county of the State gathered together many honest enthusiasts, as well as discarded political workers, from both the old parties. The Armstrong committee's showing of the relations of corporations to both parties aided him, and he capitalized his grievance over the

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<sup>10</sup>New York *Times* and *Tribune*, September 24, 25, 26, 27, 1906.

<sup>11</sup>The ticket was: Governor, Charles E. Hughes, New York; Lieutenant-Governor, M. Linn Bruce, New York; Secretary of State, John F. O'Brien, Clinton; Comptroller, Merton E. Lewis, Monroe; Treasurer, John G. Wallenmeier, Jr., Erie; Attorney-General, Julius M. Mayer, New York; State Engineer, Henry A. Van Alstyne, Columbia.





EDGAR MONTGOMERY CULLEN

Edgar Montgomery Cullen, judge; born in Brooklyn, N. Y., December 4, 1843; graduated from Columbia college, 1860; second lieutenant, United States infantry, March 4, 1862; first lieutenant, September 29, 1863; colonel, 96th New York infantry, December 26, 1863; honorably mustered out of volunteer service, March 21, 1865; resigned from United States army, April 9, 1865; admitted to the bar, 1867; assistant district attorney of Kings county, 1872-1875; engineer in chief with the rank of brigadier general on the staff of Governor Tilden, 1875; justice of the supreme court, second judicial district, 1880-1900; associate judge of the court of appeals, 1900-1904; chief judge on nomination of both parties, 1904-1913; died at Brooklyn, N. Y., April 27, 1922.





JAMES WOLCOTT WADSWORTH, SR.

James Wolcott Wadsworth, Sr. was born at Philadelphia, Pa. August 12, 1846; was preparing to enter Yale when the war broke out but joined the army and served on the staff of General Warren until the close of the civil war; supervisor of the town of Geneseo, 1875-1877; member of assembly, 1878-1879; state comptroller, 1880-1881; elected to the 47th congress to fill the vacancy caused by the resignation of Elbridge G. Lapham and served from December 5, 1881 to March 3, 1885; again elected to congress in 1890 and repeatedly re-elected and served from March 4, 1891 to March 3, 1907; defeated for re-election to the 60th congress; president of the board of managers of the national home for disabled veterans, 1906-1914; father of U. S. Senator James W. Wadsworth, Jr.





alleged fraudulent counting in of McClellan and the failure of Attorney-General Mayer to bring *quo warranto* proceedings in his behalf. Moreover, his great vote for Mayor had surprised Tammany and disposed Murphy to come to terms with a dangerous rival. After his reëlection for four years, McClellan determined to pursue an independent policy and soon came to an open break with the Tammany leader, which was carried into the primaries, where Murphy was overwhelmingly successful. In his papers Hearst had attacked Murphy as a thief and in cartoons pictured him in prison stripes.<sup>12</sup> But Murphy cared more for victory than to cherish old resentments, and, as he had taken up Grout, who had declared Tammany hopelessly corrupt, so he now determined to annex the Hearst movement. In this task William J. Conners of the *Buffalo Courier* and, for a time, Norman E. Mack, the New York member of the national committee, aided him.

The conservative elements of the party were indignant. For his part Hearst still protested, "I am against all bosses," and declared that it was "amusing" to hear that Murphy was for him.<sup>13</sup> Jerome came forward as a candidate, and a meeting of his friends was held in Albany on September 5, in which Thomas M. Osborne, Edward M. Shepard, and John N. Carlisle participated. It denounced the threatened sale of the Democracy to Hearst and prepared to carry the fight

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<sup>12</sup>New York *Evening Journal*, November 10, 1905.

<sup>13</sup>New York *Times*, August 29, 1906.

into the State convention.<sup>14</sup> Meanwhile the Independence League held a convention at Carnegie Hall, New York City, on September 11, with Willard A. Glen of Syracuse as temporary and Samuel Seabury of New York as permanent chairman. Seabury made a speech attacking both parties. Hearst's enthusiastic followers threatened to get away from him and to make impossible any fusion with the Democrats. Hearst wanted merely to name himself for Governor and John Ford for Attorney-General, but the radicals forced him to name a full ticket.<sup>15</sup> Only by clever manipulation and with great difficulty were resolutions put through that, while promising unswerving devotion to independence, left a door open to fusion and the remaking of the ticket to suit the Democrats.<sup>16</sup>

A platform was adopted declaring for independence in everything, an honest count of ballots, the stripping of the Attorney-General of discretion in *quo warranto* proceedings, a housecleaning of the Insurance department, and banking reforms. It announced belief in the public ownership of public utilities that were naturally monopolies, but declared that the application of that doctrine to telephone, lighting, and transportation systems was a local issue.

On the eve of the Democratic State convention Mack

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<sup>14</sup>New York *Tribune*, September 6, 1906.

<sup>15</sup>The ticket was: Governor, William R. Hearst, New York; Lieutenant-Governor, Lewis Stuyvesant Chanler, Dutchess; Secretary of State, John S. Whalen, Monroe; Comptroller, Charles H. Auel, Erie; Treasurer, George A. Fuller, Jefferson; Attorney-General, John Ford, New York; State Engineer, Frank L. Getman, Tompkins.

<sup>16</sup>New York *Tribune* and *Times*, September 9, 10, 11, 12, 1906.

wrote to Mayor J. N. Adam of Buffalo that he could not support Hearst if he was a candidate of any other party.<sup>17</sup> Conservatives still talked of Jerome, Osborne, Adam, or Shepard, but it was a forlorn hope. The Democrats met at Buffalo on September 25 and made Lewis Nixon chairman. The *New York Times* said that Hearst had barely 100 delegates out of 450,<sup>18</sup> but that Murphy was using Hearst as a club to destroy McClellan. He proceeded to wield it through Grady in the committee on credentials, where anti-Hearst delegates from 21 districts were thrown out and 63 Hearst delegates seated.<sup>19</sup> This with the Tammany vote gave the Hearst-Murphy combination complete control. Jerome's friends planned to send him on the floor of the convention to try to break up the deal, but, as he was not a delegate, he declined and the anti-Hearst men contented themselves by going on record for other candidates. William V. Cooke of Albany placed Hearst in nomination. George Raines put forward William Sulzer in a speech denouncing socialism and charging that the surrender to Hearst was a deal to stop separate tickets in New York City. Osborne presented the name of John Alden Dix of Washington county. Hearst received 309 votes to 124 for Sulzer and 17 for Dix. Most of the Sulzer support came from Kings, where McCarren threw him 69 votes. Nine votes from New York went to him, while Murphy gave 96 votes from that county to Hearst. The

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<sup>17</sup>*New York Times*, September 20, 1906.

<sup>18</sup>*New York Times*, September 26, 1906.

<sup>19</sup>*New York Times*, September 27, 1906.



Democrats accepted Chanler and Whalen from the Independence League ticket, but for the rest nominated candidates of their own, on whose behalf the Independence Leaguers retired.<sup>20</sup>

Bourke Cockran presented the platform. It included a plank denouncing failures to prosecute big corporation criminals of influence and social position, which was generally interpreted as an attack on Jerome. The platform was not entirely in harmony with that of the Independence League. It declared against any interference by the government in the field of private industry, professed the strongest disapproval of socialism, but held that the whole field of public service was included in the domain of the government's legitimate authority.<sup>21</sup> When the new State committee organized, William J. Conners became its chairman.

A campaign of bitter personalities followed. Hearst attacked Hughes as a corporation lawyer and accused him of failure of duty in the insurance investigation, although at its conclusion his papers had lauded the investigator. Hughes replied by charging that Hearst in the conduct of his newspapers employed the corporation methods that he denounced. Many Democrats refused to support Hearst. McClellan announced that he would vote for the ticket in general, but not for Hearst. The *Tribune* declared that Hughes had the

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<sup>20</sup>The ticket was: Governor, William R. Hearst, New York; Lieutenant-Governor, Lewis Stuyvesant Chanler, Dutchess; Secretary of State, John S. Whalen, Monroe; Comptroller, Martin H. Glynn, Albany; Treasurer, Julius Hauser, Suffolk; Attorney-General, William S. Jackson, Erie; State Engineer, Frederick Skene, Queens.

<sup>21</sup>New York *Tribune* and *Times*, September 25, 26, 27, 1906.



support of every man who was not "ready to see the Empire State sold to a reckless adventurer by the very politicians whom he has repeatedly denounced as thieves and blackmailers, fit only for prison stripes."<sup>22</sup> The Republicans reproduced Hearst's cartoons of Murphy in prison stripes, and Elihu Root, the Secretary of State, on the platform recalled his cartoons and paragraphs attacking McKinley, some of which went close to suggesting violence.<sup>23</sup> On November 1, at Utica, Root said: "In President Roosevelt's first message to Congress, in speaking of the assassin of McKinley, he spoke of him as inflamed 'by the reckless utterances of those who, on the stump and in the public press, appeal to the dark and evil spirits of malice and greed, envy and sullen hatred. The wind is sowed by the men who preach such doctrines, and they cannot escape their share of the responsibility for the whirlwind that is reaped.' . . . I say, by the President's authority, that in penning those words, with the horror of President

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<sup>22</sup>New York *Tribune*, September 27, 1906.

<sup>23</sup>From among Hearst's articles the opposition press frequently reprinted the following, and contrasted them with his warm tribute to McKinley after his death:

"McKinley, bar one girthy Princeton person [Cleveland], who came to be no more or less than a living breathing crime in breeches, is therefore the most despised and hated creature in the hemisphere, his name is hooted, his figure is burned in effigy."—New York *Journal*, August 29, 1899.

"He is an abject, weak, futile, incompetent poltroon."

"Did not the murder of Lincoln, uniting in sympathy the north and south, hasten the era of American good feeling?"

"Institutions, like men, will last until they die; and if bad institutions and bad men can be got rid of only by killing, then the killing must be done."—New York *Journal*, April 10, 1901.

McKinley's murder fresh before him, he had Mr. Hearst specially in his mind."<sup>24</sup>

The current of dissatisfaction growing out of the insurance revelations ran strongly in Hearst's favor. Nothing but the personal standing of Hughes and the popular distrust of his opponent defeated Hearst; for the Democrats elected all the other State officers. Hughes won by 57,897 plurality. The vote was: Hughes: 749,002; Hearst, 673,268 on the Democratic ticket and 17,837 on the Independence League ticket; John C. Chase (Socialist), 21,751; Henry M. Randall (Prohibition), 15,985; Thomas H. Jackson (Socialist Labor), 4,624. Bruce, who came nearest of the other Republicans to election, lost by 5,574 votes, while the plurality adverse to Mayer ran up to 11,560. The Republicans held the Legislature, electing 33 of the 51 Senators, and the Assembly stood: Republicans, 98; Democrats, 49; Independents, 2; Independence League, 1. The Republicans elected 25 of the 37 Congressmen.

Governor Higgins was so ill at the close of his term that his friends urged him to remain at his home in Olean, but he said that he owed a duty of courtesy to his successor and he would attend the inauguration and welcome Governor Hughes if it killed him. After he had extended his welcome in cordial terms from the platform of the Assembly chamber, he turned to his secretary, Frank S. Perley, saying: "Frank, did I get through it all right?" and, when answered in the affirmative, added that he was so ill that he could not see a

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<sup>24</sup>New York *Tribune*, November 2, 1906.

word of his manuscript.<sup>25</sup> He returned immediately after the inauguration to Olean and died on February 12. In his message to the Legislature announcing the death, Governor Hughes said: "No soldier on the battlefield ever exhibited greater heroism than was his when, at the peril of his life, he made his last public appearance to discharge what he conceived to be his public duty on the occasion of his successor's inauguration."<sup>26</sup> The effect of this tribute was the more emphatic because some of the most ardent newspaper supporters of the new Governor had been representing Higgins as sulking and discourteous, when his physical condition had compelled him to be inactive.<sup>27</sup> He was not a man of original force, nor was he fitted for political leadership in a time of transition. Owing to his failing health his mind worked slowly and he shrank from public appearance. By political instinct and training he avoided the spectacular and had little capacity for turning waves of popular sentiment to political use. But he devoted himself with industry and conscience to the task of giving the people honest and efficient service. He was a good Governor and left a record of highly successful business administration.

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<sup>25</sup>Statement of Mr. Perley to the writer in 1907.

<sup>26</sup>Lincoln, *Messages from the Governors*, X, 962.

<sup>27</sup>New York *Evening Post*, December 31, 1906.

## CHAPTER X

### HUGHES THE UNCOMPROMISING

1907-1908

POPULAR expectation that Hughes would administer his office without regard to the interests of political leaders was not disappointed. Both Roosevelt and Higgins, while maintaining their independence, worked through the organization and made political concessions to gain their ends. Hughes made no compromises. His appointments and recommendations were made without regard to the wishes or views of political leaders. He proposed measures and left the party to deal with them in the light of public opinion. In his first message he advocated a reorganization of methods for controlling public utilities by the abolition of the Railroad and Gas commissions and the Rapid Transit commission of New York City, and the creation of two Public Service commissions, one with metropolitan jurisdiction and the other with authority over the rest of the State. He favored the Massachusetts ballot and a permissive trial of the direct primary system, and he proposed a law under which either Hearst or McClellan might open any ballot-boxes and secure a recount of the Mayoralty vote.<sup>1</sup>

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<sup>1</sup>New York *Tribune*, January 3, 1907.



His Public Service program meant the abolition of important offices and was unwelcome to the organization. Nevertheless the Legislature, with Wadsworth as Speaker and John Raines as leader of the Senate, promised to coöperate; and Senator Armstrong and the other Monroe representatives gave support to the Governor, although it meant legislating George W. Aldridge out of his office of Railroad Commissioner. Woodruff, Parsons, and Wadsworth, however, were soon at odds with the Governor. Hughes selected for Superintendent of Public Works Frederick C. Stevens, who was just rejoicing in the defeat of the elder Wadsworth for Congress, although Parsons wanted McDougall Hawkes and Aldridge urged the promotion of Winslow M. Mead, the deputy. Hughes disclaimed any antagonism to Wadsworth, and the Speaker showed no dissatisfaction over an appointment that had always been considered in a large measure personal.<sup>2</sup> More serious disagreement came over the Superintendent of Elections. Higgins had appointed Lewis M. Swazey, a Brooklyn district leader, temporarily to fill a vacancy, and both Woodruff and Parsons urged his retention. Hughes declined to appoint him, and when Woodruff and Parsons, on Friday evening, January 12, urged that he give them time to recommend someone else, he announced that he would nominate William Leary of New York on Monday night.<sup>3</sup> Leary had managed Parsons's campaign for Congress, and the latter could have no objection to him, but Hughes's un-

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<sup>2</sup>New York *Tribune*, January 15, 16, 1907.

<sup>3</sup>Statement of Mr. Woodruff to the writer in 1907.

willingness to respond to organization suggestions was galling. In these first appointments Hughes acted on the theory that the success of his whole administration depended on his giving both the politicians and the public an initial demonstration of his independence of organization control. He felt that he was new to politics and that if he accepted tutelage in minor matters at the beginning his pledged independence would not be credited in large affairs.

Further estrangement came when the Governor, at the end of January, demanded the resignation of Otto Kelsey from the Insurance department. Kelsey was a follower of Wadsworth and a personal friend of the Higgins group of Senators—Tully, Franchot, White, and Hooker. No one questioned his honesty, but the Governor complained that he had failed to carry out the recommendations of the Armstrong committee and had kept in office subordinates whom it had condemned. Kelsey answered that because of the San Francisco earthquake he had been confronted with an extraordinary emergency and had felt compelled to keep trained assistants, though he might distrust them. He refused to resign, on the ground that his reputation would be compromised, and, after a hearing before the Governor in which he was sharply cross-examined to show laxness of administration, Hughes recommended his removal by the Senate. After long hearings the Senate on May 2, by a vote of 27 to 24, refused to remove him. Among the Senators who supported Hughes were Agnew, Armstrong, Hinman, Page, O'Neil, Saxe, Travis, Heacock, and Cobb. Grady and

the Tammany Senators, the McCarren Democrats, Raines, and Allds joined Kelsey's personal friends in his defense.<sup>4</sup> Despite these troubles the Legislature accepted the Governor's program, created his Public Service commissions, and confirmed his appointments to them of men selected from both parties without any regard to political availability. William R. Willcox, postmaster of New York City, was made chairman in the First district, and Frank W. Stevens of Jamestown, who had been prominent in the prosecution of Justice Hooker, became chairman in the Second district. The Recount bill was passed, but was declared unconstitutional by the Court of Appeals on November 19. The new Attorney-General started *quo warranto* proceedings, but more than a year later, after a long trial, Justice Lambert instructed a jury to render a verdict that McClellan was legally elected.<sup>5</sup> On the Governor's recommendation the State accepted William P. Letchworth's gift for a reservation at Portage Falls, despite the opposition of interests whose plans for developing Genesee River power were interfered with by this safeguarding of the gorge. Hughes vetoed a two-cent railroad fare bill on the ground that it was arbitrary and not passed after inquiry into the cost and profits of service.<sup>6</sup> He also vetoed, as an invasion of home rule, a bill giving the women teachers of the New York schools equal pay with the men, after it had been vetoed by McClellan and repassed. The Reapportion-

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<sup>4</sup>New York Tribune, May 3, 1907.

<sup>5</sup>New York Times, July 1, 1908.

<sup>6</sup>C. E. Fitch, *Official New York*, I, p. 257.



ment act of 1906 having been declared unconstitutional, chiefly on account of inequalities in the representation of Queens county, a new act was passed, which, despite the opposition of the Speaker, again combined Genesee, Allegany and Wyoming to the advantage of Stevens and diminished Wadsworth's political power by making Livingston the subordinate partner in a Senate district with Steuben.

By this time many of the organization leaders were arrayed in open hostility to Hughes—not merely hostility to particular measures, but to the Hughes idea of government. The Governor did not follow their rules of politics, and his appointments and policies were decided upon without regard to their effect upon State or local organizations. He used patronage neither to win nor punish them. He was a declared party man, but he treated the party as an aggregation of citizens unselfishly devoted to certain ideas of public policy and needing the services of no political leaders whose power and influence were dependent upon the distribution of patronage or the shaping of legislation with a view to its effect on their own fortunes. Some of the political leaders at first thought he was merely trying to build up a personal or factional machine. The more clever and thoughtful of them, however, saw the traditional principles of political leadership involved, and began a steady warfare on the Governor under the inspiration of William Barnes, Jr., the most clear-thinking of them all and the consistent champion of machine politics as it had been practised in the Republican party from the time of his grandfather, Thurlow Weed. Some of



Hughes's own associates failed in this respect to comprehend him. While the Governor's plans hung fire in the Legislature, Frederick C. Stevens went to Washington and suggested to Roosevelt that the politicians who formerly antagonized him were blocking Hughes. As a result, in April Roosevelt suddenly demanded the resignation of Archie E. Sanders, the Collector of Internal Revenue at Rochester. Sanders was an ally of the Wadsworths and a political enemy of Stevens, whose own political purposes harmonized perfectly with this exercise of Presidential discipline. Ex-Congressman Wadsworth charged that the President was persecuting him.<sup>7</sup> In indirect reply it was announced from the White House that the President's action was dictated by a desire to support Hughes. The *Tribune* reported that the President wished to fill the place with a good Hughes man, and added: "It is the President's intention to strengthen Governor Hughes's hand at every opportunity, and this seemed to be a good one."<sup>8</sup>

This suggestion, however, met with no favorable response from Hughes, who said that he had not been consulted about Sanders.<sup>9</sup> He let it be known that he did not care to base his success on the use of Federal patronage. This rejection of his aid greatly annoyed the President, whose friends represented him as complaining that he responded to what he supposed was an inspired request of the Governor's political representative, only to be snubbed for interference. Sanders's

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<sup>7</sup>New York *Times*, April 19, 1907.

<sup>8</sup>New York *Tribune*, April 19, 1907; New York *Times* and *World*, April 20, 1907.

<sup>9</sup>New York *Times*, April 21, 1907.

resignation, when forwarded, was left unaccepted. He was continued in office for more than a year, and then removed for "pernicious activity" in aiding John A. Merritt to defeat Congressman Porter's renomination by the Republicans.<sup>10</sup> Hughes's position was difficult. He had to choose between repulsing Roosevelt's friendly offices and making his administration the shadow of Washington and a football in the contest for the Presidential succession, which was beginning to shape itself between Roosevelt's friends and opponents. Little as Hughes wished it, out of the Sanders incident sprang a long continued coldness on the part of Roosevelt toward the Governor.

The only State officers to be chosen were two Judges of the Court of Appeals. The Republican State committee on October 4 nominated Edward T. Bartlett, a Republican, to succeed himself, and Willard Bartlett, a Democrat, sitting in the Court by Executive designation, to succeed Judge Denis O'Brien, who was retiring on account of age. Murphy and Conners defeated McCarren's attempt to anticipate this program. They were willing to renominate E. T. Bartlett, but urged Gaynor to run for the other seat, and when he declined sought an agreement with the Republicans that each committee should pick one candidate. Meanwhile the Republicans nominated and Murphy reluctantly followed where McCarren had led.<sup>11</sup> Both Judges were elected without significant opposition. The Republicans won 96 Assemblymen and the Demo-

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<sup>10</sup>New York *Tribune*, August 26, 1908.

<sup>11</sup>New York *Tribune*, October 1, 4, 5, 1907.

crats 54. Wadsworth was chosen Speaker for his third term. E. A. Merritt, Jr., succeeded Sherman Moreland as majority leader, while George M. Palmer headed the minority. Raines and Grady continued to lead the Senate. Two constitutional amendments were adopted, one freeing cities of the second class from the restriction of the debt limit in providing water supply, and the other making 175,000 instead of 250,000 population the line of division between cities of the first and second class, so as to include Rochester in the first class. Parsons arranged a fusion with the Independence League on local offices in New York, despite opposition from the *Tribune* and many leading Republicans, who asserted that even to defeat Tammany, which Parsons considered the supreme object, they could not countenance any partnership with Hearst, whom they had recently been denouncing as morally responsible for the spirit of class hatred that had prompted the murder of McKinley.<sup>12</sup> The fusion was overwhelmed by Tammany.

Hughes in his second annual message renewed his recommendation for permissive direct nominations and favored a simplified ballot without party columns. He asked the Legislature to extend the jurisdiction of the Public Service commission to telegraph and telephone companies, a step which was not taken until 1910. He also advocated the liquidation of insolvent banks and insurance companies by the Banking and Insurance departments instead of by receivers. This reform was promptly adopted with respect to banks, proved a great

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<sup>12</sup>New York *Tribune*, October 9, 11, 12, 23, 25, 1907.



saving to creditors, and was extended to insurance companies in 1909.<sup>13</sup>

None of these measures, however, attracted the attention that was given to his call for the enforcement of the constitutional mandate against gambling. For years the Constitution had been practically nullified by the Percy-Gray law, which, while professing to forbid all gambling, actually protected bookmaking within racetrack enclosures by failing to provide penalties for betting as carried on at the tracks. Indeed, racetrack gambling was openly conducted as an industry.

The Governor's attack was directed in several messages partly against the evils of gambling but more against the shameless evasion of the Constitution that discredited the lawmakers and the State.<sup>14</sup> A measure known as the Agnew-Hart bill, designed honestly to enforce the Constitution, passed the Assembly without much controversy, but, despite repeated messages from the Governor, it hung fire in the Senate until April 8, when it failed of passage by a tie vote. Two Democrats and 23 Republicans favored it, while 8 Republicans joined 17 Democrats in opposition to the Governor. The Legislature adjourned on April 23 without giving further attention to the measure. Hughes took advantage of the situation created by the sudden death of Senator Stanislaus P. Franchot of the Niagara-Orleans district to call a special election for May 11, and himself stumped the district upon the racetrack gambling issue, as well as against his enemies in the Republican organi-

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<sup>13</sup>*Public Papers of Governor Hughes, 1908, p. 20 et seq.; 1909, p. 170 et seq.*

<sup>14</sup>*Public Papers of Governor Hughes, 1908, pp. 25, 41, 45, 53.*





WILLARD BARTLETT

Willard Bartlett, judge; born at Uxbridge, Mass., October 14, 1846; graduated from Columbia college, 1869; practiced law in New York City in association with Elihu Root, 1869-1883; justice of the supreme court of New York in the second judicial district, 1884-1906; justice of general term, New York City, 1887-1889; justice, appellate division of the supreme court, 1st department, 1896-1906; dramatic critic, New York Sun, 1873; judge, court of appeals, 1906-1914; chief judge, 1914-1916.





JOHN CLINTON GRAY

John Clinton Gray, born in New York City December 12, 1843; studied at the University of Berlin, 1860-1861; graduated from the university of New York, 1865; graduated from Harvard law school, 1867; practiced law in New York City from 1868 to 1888; appointed judge of the court of appeals in place of Charles A. Rapallo, deceased; elected for full term in 1888; reelected in 1902; served until December 31, 1913, when he retired; died at New York City, June 29, 1915.





zation. His appeal to the people was successful in bringing about the election of William C. Wallace, who was pledged to his support. He called a special session of the Legislature to meet on May 11, but still found himself without a majority in the Senate, owing to the illness of Senator Otto G. Foelker of Brooklyn, who had voted for the Agnew-Hart bill at the regular session. The measure was finally brought to a vote on June 10. Foelker, who was reported to have made promises to both sides, went to Albany, still weak from an operation for appendicitis and perhaps mental conflict, and was kept in seclusion until the hour of voting. He was carried to the chamber as the vote was being taken and voted for the bill, which enabled it to pass, 26 to 25. His neighbors afterward sent him to Congress.

Undismayed by his failure to reorganize the Insurance department, the Governor appointed Matthew C. Fleming to investigate it and laid the results before the next Legislature with a new request for the removal of Kelsey, pointing out that, though he had after the first inquiry displaced the most conspicuously unfit of his subordinates, he had in other respects made little improvement. But the Senate, by a vote of 39 to 19, again refused to remove the Superintendent.

The Governor vetoed a bill to force a three-platoon system upon the New York police as an invasion of home rule. He also vetoed, as contrary to his policy of regulating rates not by arbitrary enactment but as a result of administrative inquiry, a bill forbidding the collection of more than a five-cent fare by street rail-

ways within the limits of a city, no matter how long the run.<sup>15</sup>

Governor Hughes's unswerving independence and the power he exhibited in appealing directly to the people and bringing them to the support of his policies early pointed to him as a Presidential possibility, though Taft was already Roosevelt's announced favorite for the succession. In the fall of 1907 a Hughes movement was started by some of his sincere admirers, which for a time received the support of politicians whom Roosevelt and Parsons had deposed from leadership, though most of them before the national convention either deserted Hughes entirely or ceased to give him more than perfunctory support. The Governor himself took no steps to advance his candidacy. But after a Hughes League had been formed, which included in its membership such men as Brackett, Lauterbach, Aldridge, Hinman, and W. C. Warren, together with some of the Odell following in New York and a large number of independent Republicans,<sup>16</sup> Hughes announced on January 21 that he desired the sentiment of the party to have its freest expression, that the matter was one for the party to decide, and that, whatever its decision, he would be content. He said:

"I do not seek office, nor shall I attempt to influence the selection or vote of any delegate. The State administration must continue to be impartial and must not be tributary to any candidacy. I have no interest in any factional controversy, and desire above all things that

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<sup>15</sup>*Public Papers of Governor Hughes, 1908*, pp. 77, 93.

<sup>16</sup>*New York Times*, January 14, 1908.

there shall be deliberation, honest expression of the party will, and harmony of effort."<sup>17</sup>

At the invitation of the Republican Club, on January 31 Hughes in an address outlining his views on national policies declared for tariff revision with the aid of a committee of experts, against the punishment of corporations by fines, against sweeping and indefinite attacks on business, and for "explicit definition of what is wrong and adequate punishment of the guilty."<sup>18</sup> On the same day, Roosevelt, who had no intention that Hughes's candidacy should even for an hour have the undivided attention of the country, sent to Congress a message cleverly calculated to appeal to popular interest and carefully timed to blanket Hughes's speech and drive it from the leading position in the newspapers. The message made the sweeping accusation that there existed a reactionary conspiracy against his policies. It called for improvement in the Employers' Liability law, for restraint on the abuses of injunctions, for conferring power to initiate rates on the Interstate Commerce commission, and for a new law in constitutional form prohibiting the discharge of workmen for membership in labor unions, to replace the Erdman law just declared unconstitutional. It was an effective Taft campaign document, which treated as "brazen protests against moral regeneration" all opposition to the Roosevelt policies, bequeathed to Taft. Though Roosevelt was anxious to prevent the spread of the Hughes movement, yet both he and Taft thought it

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<sup>17</sup>New York Times, January 22, 1908.

<sup>18</sup>New York Times, February 1, 1908.

unwise to antagonize local sentiment in New York. The Taft managers contented themselves with keeping Hughes in the "favorite son" class and solidifying the delegations from States that had no candidates of their own. They were willing to let Hughes have New York, Knox Pennsylvania, and La Follette Wisconsin. Accordingly word was passed to Parsons and other friends of the President in the New York delegation that the administration and Taft would bear them no ill-will if they fell in with home sentiment. At a meeting of the State committee in New York Hughes's friends proposed a resolution indorsing him and recommending the selection of the delegates for him in the Congress districts and the State convention to be held on May 7. Woodruff advised against the action, but when the question was raised he made no objection to the course proposed and the resolution of indorsement was passed unanimously.<sup>19</sup>

When the Republican State convention met in New York City on April 11 it indorsed Hughes without a contest. M. Linn Bruce was temporary and James S. Sherman permanent chairman. Stewart L. Woodford, Seth Low, Frederick R. Hazard, and Edward H. Butler were chosen delegates-at-large. The only controversy was over Edgar T. Brackett's unsuccessful attempt to add to the resolution directing the delegates-at-large to support Hughes a suggestion that the district delegates take the same course, and a declaration that the people would not be satisfied with "perfunctory or spiritless support." Congressman John W. Dwight led the oppo-

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<sup>19</sup>New York *Tribune*, March 9, 1908.



sition to any interference with district delegates by a State convention.<sup>20</sup>

The New York delegation went to the national convention on June 16 thus committed to Hughes, but in a state of mind accurately forecast by Brackett's warning. Woodford and a minority of the delegation were sincerely for Hughes, though without hope of success. They were perfectly content to tell the country that despite the politicians New York believed in its reforming Governor. The majority, however, were impatient under their instructions because they wanted the Vice-Presidential nomination on the inevitable Taft ticket, and they could not work effectively to gain it while professedly seeking first place.

Both Roosevelt and Taft wanted Hughes to take the Vice-Presidency, and up to the last minute sought to induce him to reconsider his earlier declinations, but without avail. Soon after reaching Chicago, Parsons urged Hughes to release the delegates so that the State might exercise some influence in the convention, and, on the 15th, Seth Low repeated the plea by telephone.<sup>21</sup> Hughes, however, took the position that he had nothing to do with their action, that they were not under pledge to him, but that whatever instructions they had came from the Republican voters. Under these conditions they entered the convention, over which Julius C. Burrows was temporary and Henry Cabot Lodge permanent chairman. The thorough work of Frank H. Hitchcock in preparing the Taft cases for the southern

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<sup>20</sup>New York Times, April 12, 1908.

<sup>21</sup>New York Times, June 16, 1908.

contests resulted in the exclusion of most of his opponents and insured the control of the convention to the administration forces. Whatever danger there had been of a stampede to force Roosevelt to take another nomination was averted by Lodge's firmness in the chair. Seldom has there been a convention in which prearranged plans have worked so smoothly.

Taft was nominated on the first ballot, receiving 702 votes. Knox received 68 votes, Hughes 67, Cannon 58, La Follette 25, Foraker 16, Fairbanks 40, Roosevelt 3. All the Hughes votes, except two from Virginia, came from New York. Ten New Yorkers, including Ward, Barnes, and Payn, voted for Taft, while Odell's alternate voted for Cannon. General Woodford presented Hughes's name to the convention, and under a prearrangement with Lodge was recognized to move the making of Taft's nomination unanimous. On the day before the vote Barnes attacked Hughes, saying that the Governor's attitude might cost New York the Vice-Presidency.<sup>22</sup> But what the New Yorkers could not do for themselves, Taft and Roosevelt decided to do for them, after considering favorably for a time both Senator Dolliver and Governor Cummins of Iowa. Seth Low was talked of, but he had no support from the members of the New York delegation, who were all for James S. Sherman, whose industry and affability had earned for him the good will of his colleagues in Congress. Woodruff presented Sherman's name, and he received 816 of the 980 votes cast on the first and only ballot.

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<sup>22</sup>New York Times, June 18, 1908.

A platform draft taken to Chicago by Taft's friends was adopted with few changes. The conservatives sought to eliminate a plank for the restriction of injunctions, and only desisted in the face of intimations that Taft would not run without it, and that if he withdrew they would have in Roosevelt a candidate who would make his own platform.<sup>23</sup> The platform called for the revision of the tariff at a special session so as to maintain protection equal to the difference between the cost of production at home and abroad, together with a reasonable profit. It favored maximum and minimum rates to meet foreign discrimination, greater supervision over corporations engaged in interstate commerce to prevent rebates and favoritism, better enforcement of the Reconstruction amendments, arbitration of international disputes, and a more accurate definition of procedure in injunctions so "that no injunction should be issued without notice, except where irreparable injury would result from delay."

Having gone through the form of supporting Hughes at the national convention, some of the political leaders thought they were done with the Governor. But they had no realization of the impression that Hughes had made upon the public. The phrase, "Nobody wants Hughes but the people," which Colonel George Harvey took up so effectively in the *North American Review* eight years later, appeared in the newspapers and accurately described the situation. The Governor was at first disinclined to a second term, but his friends urged that he had become a leader of a moral move-

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<sup>23</sup>New York *Times*, June 18, 19, 1908.

ment in politics and owed it his continued service. On July 24 he announced: "I believe that the people thoroughly understand the principles which I have sought to apply in administration, and, if they so desire, I shall regard it as a privilege and a duty to continue in office for another term."<sup>24</sup> This statement awakened a popular response extending beyond the limits of New York State, but Barnes, Woodruff, Hendricks, and Parsons were strongly opposed to the renomination of the Governor and confident of their ability to prevent it. Their attitude toward Hughes was thus summed up by the Brooklyn *Standard Union*, whose proprietor, William Berri, was Woodruff's favorite for Governor:

"The Governor, not content with utterly ignoring the State organization and its leaders, and not only rejecting but resenting aid proffered from Washington toward the carrying out of his policies during his first year in office, sought to bring the organization leaders into contempt before the Republicans of the country by his refusal to release them from a pledge which prevented them from working openly for the best interests of their State in the Chicago convention. He would not take the Vice-Presidency himself, and he obstinately stood in the way of the delegation securing it for anyone else."<sup>25</sup>

The managers of the national campaign, however, were not inclined jauntily to give way to personal prejudices. Frank H. Hitchcock, chairman of the national committee, after a trip through the west, became convinced that Hughes had a large popular following and that, if he were turned down, the resentment of independent voters might injure the

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<sup>24</sup>New York Times, July 25, 1908.

<sup>25</sup>Brooklyn Standard Union, July 30, 1908.



Republican ticket in several States.<sup>26</sup> Roosevelt and Taft came to take the same view. The latter greatly admired the Governor. Roosevelt was not cordial toward him, but he was too good a politician to alienate independent sentiment in New York. He knew it was safer to dragoon the politicians than to antagonize popular feeling. So, while Woodruff and Parsons were protesting that, without ill-will to Hughes, they were compelled to refuse a renomination because the rank and file of the party would not support him,<sup>27</sup> the administration let it be known that it thought the nomination of Hughes necessary. The organization leaders sought a man representing the Hughes principles to substitute for Hughes. They wanted an attractive picture to put in a Hughes frame, and considered Root, Choate, Horace Porter, and Seth Low,<sup>28</sup> but were compelled finally to turn their attention to Speaker Wadsworth and William Berri while encouraging minor candidacies like those of Justice John Woodward in Erie and William S. Bennet in New York. The first break in their lines came when Parsons, after an unofficial primary in some New York districts, declared that the Hughes sentiment was much stronger than he had expected, and that in his opinion a large majority of the New York county delegates would favor Hughes.<sup>29</sup> Woodruff at the same time indicated his readiness to accept the inevitable, but as the State convention approached the opposition drew him back

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<sup>26</sup>New York Times, August 1, 1908.

<sup>27</sup>Statement to the writer in August, 1908.

<sup>28</sup>New York Tribune, August 13, 1908.

<sup>29</sup>New York Herald, September 10, 1908.

into their camp. They figured that they would have a majority of the convention if all of them stood out against the administration to the last and could unite on a candidate. They offered to support Black, but Black favored Hughes and like Root declined to be used to defeat him. At a meeting of the Kings delegates, 101 out of 133 decided to present Berri,<sup>30</sup> but Wadsworth declined to withdraw in favor of Berri or any compromise candidate. At the last minute, Aldridge tried to arrange a union on the former president of the University of Rochester, David Jayne Hill, then Ambassador to Germany. But Root laughed at this plan and reminded the leaders that Roosevelt and Taft had both expressed a preference for Hughes, that the national committee expected the convention to work in harmony with the Presidential candidate, and that, if necessary, something more would be heard from the President and Taft. Then the opposition collapsed.

The convention met at Saratoga on September 14; Root was temporary and permanent chairman. Choate had been asked to be permanent chairman, and he had accepted the invitation in a letter saying that he wished it understood that he was an ardent Hughes man. The plan was then changed on the pretext that a chairman more familiar with parliamentary law than the president of the last Constitutional convention was needed.<sup>31</sup> The name of Hughes was presented to the convention by Alfred R. Page. Frank K. Cook presented Wads-

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<sup>30</sup>New York *Tribune*, September 15, 1908.

<sup>31</sup>New York *Herald*, September 14, 1908.

worth's name, and the nomination was seconded by Barnes in a speech full of solemn warnings of the fate of the organization if it surrendered itself to Hughes. Hughes was nominated on the first ballot, receiving 827 votes to 151 for Wadsworth and 31 for John K. Stewart of Montgomery.<sup>32</sup>

The leaders had surrendered to Hughes, but in making a platform they carefully avoided any further indorsement of his legislative policy than was absolutely necessary. The platform declared against any form of ballot that would "render it more difficult for a voter to exercise his constitutional privileges of designating upon the ballot the name of the candidate whom he wishes to support," and likewise suggested opposition to direct nominations in the declaration for "the freest action in the selection of the delegates" to conventions. No favor was given to the idea of doing away with conventions. On the other hand, the platform declared that Governor Hughes had "shown himself a courageous Executive, resolved to accomplish what he believes to be for the public good," and dwelt on his approval of reform measures "passed by a Republican Legislature."

The failure of Parker to make conservatism successful in the Democratic party left Bryan again its almost uncontested master. When the delegates assembled for

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<sup>32</sup>The ticket was: Governor, Charles E. Hughes, New York; Lieutenant-Governor, Horace White, Onondaga; Secretary of State, Samuel S. Koenig, New York; Comptroller, Charles H. Gaus, Albany; Treasurer, Thomas B. Dunn, Monroe; Attorney-General, Edward R. O'Malley, Erie; State Engineer, Frank M. Williams, Madison; Judge of the Court of Appeals, Albert Haight, Erie.

the State convention in New York on April 15, though only 45 delegates were instructed for Bryan and 405 were without instructions, Norman E. Mack said it would be "absurd to attempt to beat Bryan."<sup>33</sup> Murphy and Conners, who were in complete control, realized this, but they would not commit themselves formally to the Nebraskan. Thomas Carmody, the chairman, pleaded for the return to old and tried doctrines, and the Bryan men and their resolutions were shut out without a hearing. McCarren was excluded from the convention by a vote of 325 to 89, after vainly seeking protection in the courts. Murphy, working through Coler and George V. S. Williams, had organized a formidable opposition to McCarren in his own county,<sup>34</sup> and the State convention, after recognizing the Williams faction, authorized the State committee to enter any Assembly district where there was a contest and organize the party according to its judgment. Thus the hold of Murphy was made firm. Alton B. Parker, Charles F. Murphy, Lewis Nixon, and Charles Froeb of Brooklyn were the delegates-at-large. They went to the national convention at Denver on July 7 without instruction, but were received as friends by the Bryan men. Four years later Bryan found Tammany's support so contaminating to any candidate that he deserted Champ Clark when Tammany threw its vote to him; but at Denver his managers gave countenance to Murphy and excluded the McCarren contestants, and after the nomination Bryan met Murphy at the Lincoln

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<sup>33</sup>New York Times, April 13, 1908.

<sup>34</sup>New York Times, April 17, 1908.



station and let himself be photographed with the Tammany leader. However, the Bryan leaders at Denver took a different attitude toward machine politics in Pennsylvania, unseated J. M. Guffey's delegation from that State, which opposed Bryan, and admitted a Bryan delegation. The New Yorkers exercised no influence in the convention and in fact were inconspicuous save for one incident. Parker drew up a resolution on the death of Grover Cleveland, which the Bryan men regarded as a reflection on their chief in that it praised the firmness of Cleveland's stand for policies that the Nebraskan had conspicuously opposed. Therefore, when he attempted to offer it even in a modified form, the chair refused to recognize him but turned to Ignatius J. Dunn of Nebraska, who proposed a resolution of respect for Cleveland that was entirely inoffensive to the radicals. Then calls from the floor for Parker forced his recognition, and after reading his resolution he seconded Dunn's. Dunn presented the name of Bryan, who was nominated on the first ballot, receiving 888½ votes. The conservatives divided their strength between Governor John A. Johnson of Minnesota, who received 46 votes, and Judge George Gray of Delaware, who received 59½. The conservatives showed no disposition to respond to the suggestions that one of their leaders take second place, and John W. Kern of Indiana, a follower of Bryan, was nominated for Vice-President without opposition.<sup>85</sup>

The platform called for an immediate reduction of the tariff, especially on goods that were sold abroad

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<sup>85</sup>New York *Sun*, July 3, 4, 1908; New York *Times*, July 8, 9, 10, 11, 1908.

at a lower price than they commanded in the American market; for a guarantee fund for the deposits in National banks; for rigorous enforcement of criminal laws to curb trusts; for increase of the Interstate Commerce commission's power over rates; for forbidding railroads to compete with other shippers, and for publicity of campaign funds. It indorsed Mr. Bryan's proposal that any corporation controlling as much as 25 per cent. of its class of business should be compelled to secure a license before engaging in interstate commerce. On the other hand, it declared against the tendency to centralize government. It met the demand of labor for a restriction on injunctions by proposing trial by jury in cases of indirect contempt.

The Democrats held their convention to nominate a State ticket at Rochester on September 15. Morgan J. O'Brien was temporary and Alton B. Parker permanent chairman. Until the last minute the leaders were undetermined as to their candidate for Governor. Lieutenant-Governor Chanler had made a campaign through the country districts and had a considerable body of delegates, but Murphy was reluctant to take him. He was the most conspicuous Democratic State official, had been elected when the head of his ticket went down to defeat, and had a considerable popularity with the farmers and labor unionists, but he had worked in harmony with Hughes and had frequently expressed admiration for the Governor. He was thus not well qualified for a campaign that depended entirely on capitalizing the grievances of the various interests hurt by the Governor's reforms. Neither in

ability nor prestige did he compare favorably with Hughes. Chanler's friends sought to induce Conners to join with them in seizing control of the convention, but he refused. Norman E. Mack, on behalf of the national committee, urged the necessity of harmony to such effect that Murphy consented to the admission of the McCarren faction. On the day before the nomination the Tammany leaders started a movement for Herrick, but he declined to run. Being unable to find any stronger man, Murphy then consented to Chanler's nomination.<sup>36</sup> The only contest on the floor of the convention was over the State Engineer. The name of William R. Hill of Onondaga was placed on the harmony slate, but at the last minute Murphy again showed his hostility to McCarren by naming Philip P. Farley of Kings, an enemy of the Brooklyn Senator, who unavailingly protested, and sought to nominate L. C. L. Smith of Queens. The Democrats joined the Republicans in renominating Judge Haight.<sup>37</sup>

The platform indorsed Bryan, arraigned the Republican party in the State for gross waste and for the creation of new commissions, sought to make an issue of "Executive usurpation" and personal government, and made a veiled appeal to the racetrack interests by a declaration against sumptuary laws. The Democratic New York *World* condemned the platform for its

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<sup>36</sup>New York *Times* and *World*, September 15, 16, 17, 1908.

<sup>37</sup>The ticket was: Governor, Lewis Stuyvesant Chanler, Dutchess; Lieutenant-Governor, John A. Dix, Washington; Secretary of State, John S. Whalen, Monroe; Comptroller, Martin H. Glynn, Albany; Treasurer, Julius Hauser, Suffolk; Attorney-General, George M. Palmer, Schoharie; State Engineer, Philip P. Farley, Kings; Judge of the Court of Appeals, Albert Haight, Erie.

evasion of the questions with which Hughes had sought to deal, such as stock exchange abuses, traction mismanagement, insurance evils, and lax administration of the laws. It said: "Not only is the Democratic State platform silent on every one of these vital issues, but with incredible folly it attacks the life of the Public Service commission, which alone stands between the people of this city and another looting of its traction system."<sup>38</sup>

Hearst's Independence League, transformed in this campaign into the Independence party, nominated for Governor Clarence J. Shearn, who had been prominent as Hearst's counsel and personal representative. It also organized as a national party and at Chicago on July 28 nominated Thomas L. Hisgen of Massachusetts for President and John Temple Graves of Georgia for Vice-President. The Prohibitionists at Columbus, Ohio, on July 16, nominated Eugene W. Chafin of Illinois, and Aaron S. Watkins of Ohio, for President and Vice-President. Their candidate for Governor was G. E. Stockwell. The Socialists met in Chicago on May 13 and nominated Eugene V. Debs of Indiana for President and Benjamin Hanford of New York for Vice-President. For Governor they named Joshua Wanhope. A faction of the Socialists, called the Socialist Labor party, put up for President and Vice-President Martin R. Preston of Nevada and Donald Munro of Virginia, their convention being held in New York on July 6. Preston, who was serving a twenty-five year sentence in prison for killing a man, declined

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<sup>38</sup>New York *World*, September 17, 1908.





STEWART LYNDON WOODFORD

Stewart Lyndon Woodford, diplomat; born in New York City September 3, 1835; graduated from Columbia, 1854; admitted to the bar, 1857; messenger to the presidential electoral college, 1860; assistant U. S. attorney, southern district, 1861-1862; served in the civil war, 1862-1865; lieutenant governor New York state, 1867-1868; nominated for governor, 1870; president of the electoral college, 1872; elected to the 43d congress but resigned July 7, 1874; U. S. attorney, 1877-1883; member of the commission to frame the charter for Greater New York, 1896; envoy extraordinary and minister plenipotentiary to Spain, 1897 until the war; placed Charles E. Hughes in nomination for the presidency at the Chicago national republican convention in 1908; died at New York City February 14, 1913.





GEORGE BRINTOM MCCLELLAN HARVEY

George Brintom McClellan Harvey, editor; born, Peacham, Vt., February 16, 1864; graduated Peacham academy; was consecutively reporter for the Springfield Republican, Chicago News and New York World, 1882-1886; insurance commissioner of New Jersey, 1890-1891; managing editor, New York World, 1891-1893; constructor and president of various electric railroads, 1894-1898; purchased North American Review and became its editor in 1899; purchased Metropolitan Magazine, 1903; editor, Harvey's Weekly since 1903; through his publications was instrumental in procuring the nomination of Woodrow Wilson for president of the United States, but later had difficulties with Mr. Wilson and supported Harding for president; appointed by President Harding as ambassador to the Court of St. James.





the nomination, and August Gillhaus of New York was substituted.<sup>39</sup> This party put up Leander A. Armstrong for Governor.

Bryan directed his fire chiefly upon the Roosevelt administration and upon Taft as the heir of the Roosevelt policies. He was early brought into personal controversy with the President, who attacked Charles M. Haskell, treasurer of the Democratic national committee, charging that as Governor of Oklahoma he had hampered government procedure against Standard Oil interests. Bryan defended his treasurer, but the latter soon found it expedient to retire, and Herman Ridder of the *New Yorker Staats-Zeitung* took his place. Samuel Gompers, head of the American Federation of Labor, attempted to turn the organized labor vote against the Republicans, but without much success; for while Roosevelt had opposed some of the demands of labor unions for special legal immunities, both he and Taft were generally regarded as unusually open-minded in their attitude toward social questions.

Bryan himself in his campaign laid much stress on his proposal for the guarantee of bank deposits, but aroused no general response. Neither did his scheme for a quantitative appraisalment of corporations to determine the difference between an oppressive trust and an honest enterprise stir up any enthusiasm. Bryan had no chance of carrying New York, and interest in the campaign centered on the contest between Hughes and Chanler, both of whom made extended speaking tours. Hughes pursued his opponent with pointed

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<sup>39</sup>*New International Year Book*, 1908.

questions, asking him to be specific in his opposition to commissions and say what powers he would take away from the bodies that Hughes had created. He met the "personal liberty" issue by saying that he was not attacking anybody's personal liberty, but that he had no apologies to make for enforcing the Constitution.<sup>40</sup> He made effective use of the activities of the Personal Liberty League, an organization that announced that it was fighting for the life of racing and urged support of Chanler.<sup>41</sup> Chanler was finally forced to say that he did not favor the repeal of the Agnew-Hart law. He favored the regulation of public utilities, but wanted the Public Service Commissioners elected.<sup>42</sup> He sought to embarrass Hughes by a series of pitfall questions, but the Governor outmatched him in dialectics and skillfully drove him from point to point. Nevertheless, Hughes found himself fighting against great odds; yet he turned his attention from his own battle long enough to go into the middle west and do for the national ticket what was generally regarded as the most effective campaigning done by any public speaker, especially in his analysis of Bryan's trust programme. Taft was overwhelmingly elected, having a popular plurality of over 1,200,000 votes and carrying twenty-nine States. Besides the southern States, Bryan carried only Colorado, Nebraska, Nevada, and Oklahoma. Taft had 321 Electoral votes and Bryan 162. Taft won New York by the phenomenal plurality of

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<sup>40</sup>New York *Times*, October 22, 1908.

<sup>41</sup>New York *Times*, October 24, 1908.

<sup>42</sup>New York *Times*, October 22, 1908.

202,602. The vote was: Taft, 870,070; Bryan, 667,468; Hisgen (Independence party), 35,817; Debs (Socialist), 38,451; Chafin (Prohibition), 22,667; Gillhaus (Socialist Labor), 3,877.

Hughes was cut heavily in New York and Buffalo and other cities where the sporting element was strong, but in general the party organization supported him loyally. He received 69,462 plurality, 11,565 more than in 1906. The vote was: Hughes, 804,651; Chanler, 735,189; Clarence J. Shearn (Independence), 43,212; Joshua Wanhope (Socialist), 33,994; G. E. Stockwell (Prohibition), 18,802; L. A. Armstrong (Socialist Labor), 3,655. The rest of the Republican State ticket was elected by pluralities ranging from 144,068 for O'Malley down to 96,849 for Gaus, who appeared at once as the representative of Barnes and as an opponent of Martin H. Glynn, who was personally popular and as State Comptroller had worked harmoniously with Hughes. The Republicans elected 26 of the 47 Congressmen, and carried both houses of the Legislature. Thirty-five Republican and 16 Democratic Senators, and 98 Republican and 51 Democratic Assemblymen, were elected, with one vacancy. Wadsworth was elected Speaker for his fourth term.

## CHAPTER XI

### THE TIDE TURNS AGAINST ROOSEVELT

1909-1910

**T**HOMAS C. PLATT'S term in the Senate expired on March 3, 1909. His broken health precluded his continuance in office even if the loyalty of his old-time followers had been sufficient to force his reëlection. Woodruff wanted to succeed him and went about lining up organization leaders with whom, as State chairman, his influence was potent. But a still stronger influence came from Washington, and it was backed by the force of the same public opinion that had compelled the organization to accept Hughes. Taft wished Elihu Root to remain at the head of the State department. When Root declined to do this, both Taft and Roosevelt planned to place him in the Senate, where the new administration could still have the benefit of his experience and ability. At first Woodruff showed no disposition to retire. He was weary of having great offices snatched from him just as he seemed about to attain them. He had taken his disappointment over the Vice-Presidency and the Governorship in good temper. He knew that Root would not enter any scramble for office and believed that, if by making a contest he could keep Root out of the field, he would



have a good chance against such lesser possible rivals as Black, ex-Congressman Wadsworth, and Congressmen Bennet and Parsons.<sup>1</sup>

The Brooklyn Senators and Assemblymen indorsed his candidacy on November 13.<sup>2</sup> Three days later Root announced that while he was not seeking the office he would accept it, and on November 19 the New York county committee, under the inspiration of Parsons, passed resolutions favoring Root.<sup>3</sup> Woodruff still persisted in his determination to run. Most of the organization leaders were sympathetic with him, but were disinclined to back him in a fight against the administration. Barnes, on whom he urged his claims, refused to give aid, on the ground that there was no logic in his candidacy. If he had stood with Barnes in the last ditch against Hughes the "Old Guard" might have been in position to fight for him, but when he surrendered to Roosevelt on the Governorship he surrendered, in the opinion of Barnes, the organization case against the new politics. Finally, at the end of November, after a visit to the President-elect at Hot Springs, Virginia, Woodruff announced his withdrawal in deference to Taft's desire for Root's coöperation in Washington. With Woodruff out of the way, no other candidate cared to enter the lists against Root, who received a unanimous nomination in the Republican caucus of January 18. In presenting his name Raines paid a feeling tribute to Platt, and took occasion to show

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<sup>1</sup>New York *Times* and *World*, November 12, 1908.

<sup>2</sup>New York *Times*, November 14, 1908.

<sup>3</sup>New York *Times*, November 17, 20, 1908.

his bitterness toward Hughes by saying that Root was one who "did not see in party activity any disqualification for political preferment."<sup>4</sup> The next day Root received a majority vote of both houses. The Democrats gave their complimentary support to Chanler.

Governor Hughes in his second inaugural address, evidently speaking from the experience that he had had in the Kelsey case, dwelt on the inconvenience due to the lack of centralized Executive authority, and urged that the Governor should have direct control of the heads of all administrative departments, making the State system analogous to that of the Federal government. A few days later, in his message, he recommended mandatory direct nominations for all elective officers except Presidential Electors. He also called for a simplified party ballot without party columns. The Republican Legislature, however, was in no mood to cooperate with him. The rural county leaders had just been deprived of local patronage incident to the new Highway law passed at the previous session. The law created fifty-two county Superintendents of Highways to be elected by the Boards of Supervisors. Most of the county services were unclassified under the Civil Service law, and the leaders looked eagerly to the filling of the places. They were disappointed, therefore, when the Civil Service commission passed an unprecedented resolution extending the civil service rules to this office in all counties, and the Governor approved it. Some were inclined to consider it a political attack by the Governor, though in reality it

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<sup>4</sup>New York Times, January 19, 1909.

had no such purpose and the action did not proceed from the Governor but was initiated by the Civil Service commission, whose president, Charles F. Milliken, an organization Republican, brought to the attention of his associates the need of safeguarding the highway improvement from inefficient local management. The Governor finally secured his long desired reorganization of the Insurance department by placing William H. Hotchkiss at its head, when Otto Kelsey resigned on January 13 to become deputy to Comptroller Gaus. But his other measures were blocked by the Legislature.

The movement in the Republican party for direct nominations first showed considerable strength in Kings county, where the Republican organization committed itself to the principle. When, however, Hughes proposed a permissive trial of the system, Woodruff and the Brooklyn Republicans opposed him on the ground that it must be made mandatory; otherwise their opponents, if they did not adopt it, would have an unfair advantage in campaigning. When the Governor accepted their view and came out for a mandatory law, they nevertheless joined with Barnes and Wadsworth and the ruling powers of the Legislature to defeat him. As soon as Hughes came to putting his plan into concrete form, he saw the dangers of a method of nomination that made success dependent chiefly on skillful publicity work and excluded thoughtful consideration of party policies and of the political and geographical elements of a balanced ticket. He therefore sought to democratize parties by



destroying the self-perpetuating machines and electing the party committees annually in each district by popular vote and leaving the party committees to propose nominations to be submitted to the people along with other nominations that party members might make by petition. All nominations for party committees must be made by petition so that the incumbents, the so-called "organization," could not retain power unless they really represented the majority of the party in their districts. This plan was embodied in the Hinman-Green bill. It did not please the radical advocates of the western type of direct government, who were inspired by the same desire to abolish the historic American representative system that manifested itself in the movement for the referendum and recall. Nor did it harmonize with the southern method, which was the product of the peculiar condition in that section where elections were a mere formality and the Democratic party primary the real election, and therefore the natural forum for the direct popular vote. It was, however, a carefully thought out plan, aimed to preserve to the political parties the advantages of responsible leadership while preventing the parties from being made the private properties of the leaders.

The Assembly, on April 8, killed the measure by a vote of 112 to 28, and at the same time defeated the Governor's bill to regulate telephones and telegraphs by a vote of 98 to 37. On the same day Hughes, commenting on the attitude of the party organization toward his reforms and the complaints that he did not



stand by his party, said in a speech at Rochester: "It is not loyalty to party spirit which occasions the trouble, but loyalty to special interests, which seek to control the party and utilize the party machinery. When last year it was sought to make the law of the State correspond with the mandate of the Constitution and to abolish a pernicious discrimination in aid of public gambling, was it party spirit that filled the lobbies of the Capitol and animated the opponents of the measure?"<sup>5</sup>

The legislative machine was too well entrenched for the Governor to hope to repeat his success of the year before in a special session. He was, in fact, ahead of public sentiment. The desire for more progressive party government was strong and growing, but feeling so far was largely directed against individual leaders who had made themselves affirmatively offensive or had merely stayed too long before the public and acquired the name of boss. On the other hand, many thoughtful men anxious for reform, among them Seth Low, did not accept the principles involved in the Governor's measure and were doubtful of its practical results. The *New York World*, which believed in the theory of direct nominations and thought such a law as the Governor proposed inevitable, thus explained the situation: "Without waiting to educate the voters, Governor Hughes tossed his political idealism into the scales against the organizations of both parties and was overbalanced."<sup>6</sup> The Legislature appointed a joint

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<sup>5</sup>New York *Times*, April 9, 1909.

<sup>6</sup>New York *World*, April 9, 1909.

committee to examine into primary systems of other States, for the purpose of preparing a measure that would meet the demand for primary reforms but would still be free from the provisions of the Hinman-Green bill that were objectionable to the leaders of both parties. It also appointed a joint committee to investigate the subject of regulation of telephone and telegraph companies for the purpose of submitting to the Legislature a maturely considered measure free from the objections to the Governor's bill, especially to its application to independent country lines, which were not intended to be affected but which under its terms would have been so burdened with expense as to have rendered their continued existence impossible. The Legislature also passed an act to establish a State reservation at Saratoga Springs. Agitation in the newspapers, especially the *New York World*, over Stock Exchange abuses led the Governor in December, 1908, to appoint a commission to investigate speculation in securities and commodities, of which Horace White, editor of the *New York Evening Post* and an eminent financial authority, was chairman. The report of this commission, made on June 7, 1909, was useful in clearing away many misconceptions regarding speculation and showing the necessary part that exchanges play in the operation of business.

Interest in the fall campaign centered chiefly in New York City, where the opposition elements again attempted to wrest control from Tammany. Mayor McClellan through most of his second term was at odds with Murphy and prevented him from having

full sway, but abuses were rife in the offices of the Tammany Borough Presidents, two of whom were removed on charges by the Governor. John F. Ahearn of Manhattan was displaced in December, 1907, and reëlected by the Tammany Board of Aldermen, and Louis F. Haffen of the Bronx in August, 1909. A third, Joseph Bermel of Queens, resigned under charges in April, 1908. Murphy adopted his characteristic tactics of going outside the Tammany ranks for a candidate, and nominated William J. Gaynor, who had opportunely allowed himself to be brought before the public by an independent petition. The Republicans sought to combine with Hearst against Tammany, and did so in giving support to William A. Prendergast for Comptroller, John Purroy Mitchel for President of the Board of Aldermen, George McAneny for President of the Borough of Manhattan, and candidates for the other Borough Presidencies; but Hearst would not join them on the Mayoralty. He ran himself, while the Republicans nominated Otto Bannard. Gaynor was elected, receiving 250,378 votes to 177,304 for Bannard and 154,187 for Hearst. The Hearst-Republican fusion elected Prendergast, Mitchel, and McAneny, and secured control of the Board of Estimate, so that Tammany was practically out of power for the next four years despite its nominal victory in electing the independent Gaynor. Herbert P. Coats of Saranac Lake was elected to fill the vacancy in the Thirty-fourth Senatorial district caused by the death of William T. O'Neil. The vote for Assembly showed signs of a reaction against the Republicans in the loss of five



seats. The Assembly stood: Republicans, 94; Democrats, 54; Union Citizens' League, 1; Independence League, 1. Four constitutional amendments were submitted to the people and approved by majorities ranging from 30,000 to 83,000. One fixed the salaries of Supreme Court Justices and abolished extra allowances; the second gave the Legislature power to alter the rate of interest on State debts; the third authorized the Legislature to add to the powers of County Auditors; and the fourth excepted from consideration in computing the debt limit of New York City debt incurred for self-sustaining improvements, such as subways. The people also voted by a plurality of 69,000 for the improvement of the Cayuga and Seneca canals. Wadsworth was elected Speaker for his fifth term.

The death of John Raines on December 16, 1909, forced the Republicans of the Senate to choose a new leader, and, in doing so, more sharply than ever to define the differences between the Governor and his opponents. The reform element in the Senate revolted against the selection for President *pro tem.* of Jotham P. Allds and refused to enter the caucus. Allds had been chairman of the committee on ways and means and majority leader in the Assembly when controlled by Platt and Odell, and in the Senate a conspicuous member of the organization forces. His election was generally considered a notice to the Governor that the machine would stand its ground against many of his proposed reforms, in which policy the Governor's opponents had the support of most of the Democratic minority under Grady, who after the death of Patrick H. McCarren on



October 23, 1909, had no rival in experience or resourcefulness on that side of the house. Like Allds, Grady was denounced in the newspapers as a member of the "Black Horse Cavalry," a name given by some of the legislative correspondents to what they charged was a bipartisan group of politicians working together for their own selfish purposes.

Notwithstanding the hostile organization of the Legislature, the Governor pressed his reforms with the aid of a better public understanding of his purpose and increasing sympathy with it. He boldly ran counter to prevailing tendencies by advising the Legislature not to ratify the Federal Income Tax amendment because it did not provide against the taxation of State bonds. He believed in granting power to levy an income tax, but as guardian of the State's interests felt bound to oppose a measure so loosely drawn that it might interfere with the functions of the State. The Legislature followed his advice. The Hinman-Green bill, with some modifications, was reintroduced, but both party organizations combined to defeat it. The committee appointed at the previous session reported what was known as the Meade-Phillips bill, in which was embodied its ideas of primary reform. The bill provided for a ballot on which all candidates for members of party committees were required to be voted for by making an individual X mark in the voting square at the left of the name. Other candidates could be voted for either individually or by making an X mark in the circle at the top of the column containing the names of the candidates representing identical interests. This was passed by both

houses, but before it reached the Executive chamber the Governor told the Legislature that he would not sign it because it was "not a grant, but a denial, of needed primary reform." He said: "It provides for statewide enrollment, but it gives to the enrolled voter, who does not make politics his vocation, scant opportunity for effective participation in the decisions of his party. It provides for an official primary ballot, but its provision is of a sort to facilitate domination by party managers and thus to protect plans and purposes of those who seek, through the control of the nomination of party candidates, to make the administration of government serve the interests of themselves and their allies."<sup>7</sup>

George H. Cobb, one of the more moderate organization Senators, sought to effect a compromise with a bill for direct nomination of Congressmen, members of the Legislature, and county officers. This bill was in effect the Hinman-Green bill limited in application to political units less in extent than the State and Judicial district. It was intended to meet the objection that on account of the necessity of distributing candidates for State and judicial offices geographically, the first on the ground of political expediency, the second necessarily for the convenience of the public, the application of the direct primary principle to those units was impracticable, a view that was repeatedly reiterated in the platforms of subsequent Republican State conventions. This bill introduced by Senator Cobb the Governor stood ready to accept. It passed

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<sup>7</sup>Fitch, *Official New York from Cleveland to Hughes*, I, p. 262.

the Senate by a vote of 34 to 13, but was killed in the Assembly by 94 to 46.

The joint committee appointed to investigate the subject of placing the telephone and telegraph companies under the jurisdiction of the Public Service commission reported a bill for that purpose, which was passed without opposition and became a law.

Meanwhile the State had been thrown into a turmoil by charges of corruption which, if true, completely justified all that the Governor had said about the use of political machinery for the service of private interests. While the caucus was nominating Allds for leader, Senator Benn Conger declared to a conference of insurgent Senators that he had personal knowledge that Allds was a bribe-taker. For some days the charge was apparently unnoticed. Then the New York *Evening Post* learned the details of the story and published it.<sup>8</sup> The story was shown to Allds by a friend before publication, and his friends urged him to read it himself to the Senate and discount its effect. But he refused to take the advice. The course of the *Evening Post* incurred a serious liability, for Conger shrank from an investigation, and unless he could be forced to substantiate his story the newspaper risked heavy damages. Immediately upon the publication of the article Allds demanded an investigation, which was held, and testimony was given that Conger, who was interested in bridge-building, in order to protect his company and others from legislation restricting town boards with respect to building and repairing bridges and cutting

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<sup>8</sup>New York *Evening Post*, January 18, 1910.



off 60 per cent. of the business of the small bridge companies, had in 1901, with the assistance of Hiram G. Moe, his agent, paid Allds \$1,000 to kill the bill. Testimony was also given that the bridge companies had through a series of years fought legislative attacks and had paid out money to other members of the Legislature who were dead, so no disproof was possible.<sup>9</sup>

Allds maintained his innocence but on March 29 the Senate found him guilty by a vote of 40 to 9, although he attempted to avoid a verdict by a resignation. Four Republicans, Coats, Grattan, Holden, and Kissel, stood by him to the last, and they were joined by five Democrats, Cullen, Frawley, Grady, C. D. Sullivan, and T. D. Sullivan.

Other troubles to the Republicans came from the investigation of insurance companies by Insurance Superintendent Hotchkiss. Lieutenant - Governor White was subjected to an attack because as a lawyer he had made the technical legal mistake, as a trustee, of participating in the sale of the People's Mutual Life Assurance Association to a group of speculators.<sup>10</sup> The next incident was of more immediate political consequence, as it entered into the campaign to fill the vacancy in the Rochester district caused by the death of Congressman J. Breck Perkins, just as George W. Aldridge had decided himself to become a candidate. E. R. Kennedy, chairman of the legislative committee of the fire underwriters, testified that several years before Aldridge, at the instance of Rochester insurance

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<sup>9</sup>*New International Year Book*, 1910.

<sup>10</sup>*New York Evening Post*, January 17, 1910.





WILLIAM RANDOLPH HEARST

William Randolph Hearst, publisher; born, San Francisco, April 18, 1863; student at Harvard, 1882-1885; editor and proprietor of San Francisco Examiner; Los Angeles Examiner, Chicago American, Atlanta Georgian, Boston American, Boston Advertiser, New York Evening Journal, New York American, New York Deutsches Journal, Cosmopolitan Magazine, Hearst's Magazine, Good Housekeeping Magazine, Harper's Bazar, Motor Magazine and Motor Boating Magazine; elected to congress and served from March 4, 1903 until March 3, 1907; candidate for mayor of New York on municipal ownership ticket, 1905 on independence league ticket, 1909; candidate for governor of New York in 1906 on independence league and democratic tickets.



interests, had called on him and ably coöperated in securing some needed legislation and in defeating some attacks on the insurance business. He afterward gave Aldridge a check for \$1,000 for his work.<sup>11</sup> Aldridge turned the money to his campaign fund. The legislation in question was entirely proper; neither the giver nor the taker of the gift regarded it as open to censure at the time. Aldridge in an open letter to one of his critics<sup>12</sup> defended it as a conventional contribution to the political war-chest. But the incident illustrated the view that politicians and business men—often while seeking good ends and without realizing its dangers—had come to take of the permissible relation between political influence and private interests. At ordinary times the sway of Aldridge in his county was scarcely challenged; for his organization was intelligent and moderate and gave a clean, efficient management of affairs which pleased Democrats as well as Republicans. But this testimony, coming at a moment when popular feeling was already critical of political methods in general, produced a strong reaction. The Democrats nominated James S. Havens and carried the district at the special election held on April 19.

The charges against Allds pointed anew to a struggle for the Senate leadership. The organization backed Cobb, while the friends of Hughes supported Hinman and George A. Davis. Already the administration in Washington was frightened over the split in New York and was anxious to see the Republican party go before

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<sup>11</sup>New York *Evening Post*, March 19, 1910.

<sup>12</sup>New York *Evening Post*, March 31, 1910.

the people in the attitude of sympathy toward reform. Root wrote to Davenport, one of the Hughes Senators, in favor of Hinman, but Barnes, Wadsworth, and Woodruff would make no concession. Hughes had allowed the *Tribune* on January 17 to announce that he would not accept a third nomination for Governor because the expense of the office had used up most of his private resources and he must consider provision for his family. More than one of his admirers and supporters stood ready to make his continued service financially possible, as some other men had done for other statesmen, but no one cared even to propose such aid to him.<sup>13</sup> Although the organization might have yielded to a politically potent Hughes, it was determined by no means to yield to abstract political idealism. The reformers, without the prospect of a personality whose continuing leadership promised success, could not attract the indifferent. At a caucus on March 10, into which the insurgents entered, Cobb, despite the efforts of Root and Vice-President Sherman, was chosen over Davis and Hinman on the forty-ninth ballot.<sup>14</sup> He showed independence both in regard to the Primary law and to a proposed wide legislative investigation of rumors of corruption, but the Assembly refused to permit an investigation of unlimited scope and confined the inquiry to verified charges, gave persons accused the right to appear by counsel and cross-examine witnesses, and forbade examination into charges against any candidate made after September 1.

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<sup>13</sup>New York *Tribune*, January 17, 1910.

<sup>14</sup>New York *Evening Post*, March 11, 1910.



On April 25 Hughes accepted President Taft's offer of a seat in the United States Supreme Court in succession to Justice Brewer, but he continued at Albany until the appointment was actually made and only gave up the Executive office to Lieutenant-Governor White on October 6. Determined to make one more effort to carry his programme, he called the Legislature in special session on June 20, and asked it again to consider the direct primary, to enlarge the scope of the corruption inquiry, and to provide additional revenue by amendment to the Inheritance Tax law. The desired revenue legislation was passed.

The rules governing the investigation were not broadened, and little came of it beyond more evidence of the character of the combination of business and politics, including testimony that the Lyons Beet Sugar Refining Company had paid \$3,000 a year for three years to John Raines and \$3,000 to Jean L. Burnett while they were members of the Legislature. It was assumed that these payments were made for the influencing of legislation, but as both Raines and Burnett were dead it was impossible to submit the truth of this assumption to any test. The Primary bill found even less support than at the regular session, as its opponents began to whisper that Roosevelt, just back from Africa, was opposed to it. While the bill was pending, Hughes went to the Harvard commencement and there met Roosevelt, who had never really interested himself in the direct primary question and convinced him that his leadership was needed if the reactionary forces in the party were not to drive it to its ruin. Roosevelt responded with a

public declaration in favor of the Cobb bill, which had been amended to exclude candidates for city office and make municipal fusion campaigns possible.<sup>15</sup>

The opposition at once raised the cry of dictation, though they themselves had been using Roosevelt's name. On June 30 an attempt to secure a favorable committee report on the bill was beaten in the Assembly, 49 Republicans, 12 Democrats, and 2 Independents voting for it and 40 Democrats and 40 Republicans against. A Republican Senate caucus accepted the bill, but eleven members, this time organization men, refused to enter it, and on July 1, just before the final adjournment, the Senate defeated the measure by one vote, 25 Republicans voting in its favor and 7 Republicans and 12 Democrats against it. The majority of the Republicans in both houses stood with Hughes and Roosevelt, and were defeated.<sup>16</sup>

The differences between Roosevelt and Taft were already a matter of common rumor, and following the special session the State leaders began to prepare for the line-up which they knew must ultimately come unless these differences were adjusted. The suggestion of Roosevelt for temporary chairman of the State convention gave his enemies a desired opportunity to show their hostility, and at a meeting of the State committee on August 16 they designated Vice-President Sherman for temporary chairman over Roosevelt by a vote of 20 to 15.<sup>17</sup> Lloyd C. Griscom, the New York

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<sup>15</sup>New York Times, June 30, 1910.

<sup>16</sup>New York Times, July 1, 1910.

<sup>17</sup>New York Times, August 17, 1910.

county chairman, wrote Taft that votes had been secured for Sherman by representations that the President wished it, to defeat Roosevelt. The President replied that he had never expressed any wish to defeat Roosevelt or taken even the slightest step in that direction. He added:

"I never heard Mr. Sherman's name suggested as temporary chairman of the State convention until I saw in the papers of August 16 that he had been selected at a meeting of the committee. When you called at my house on August 13, you told me that Mr. Roosevelt intended to go to the convention as a delegate, and you suggested, incidentally, his being temporary chairman, a suggestion in which I acquiesced. It did not occur to me that anyone would oppose it. This was the first time that the subject of the temporary chairmanship was mentioned to me by any one."

The President also said that he had telegraphed Sherman that he thought the New York situation demanded full conference with Roosevelt and reasonable concession as to platform and candidates. On August 15 Sherman had told him that it was proposed to oppose Roosevelt with Root, and he had protested.<sup>18</sup>

Roosevelt announced himself a champion who stood against bosses and in favor of genuine popular rule. He denounced the "alliance of corrupt business and corrupt politics," and declared, "We are against the domination of the party and the public by special interests, whether those special interests are political, business, or a combination of the two." He interrupted his campaign to make some speeches in the west and at Osawatimie, Kansas, on August 31, outlined his "New Nationalism" platform and criticised the attitude of

<sup>18</sup>New York Times, August 23, 1910.

some Judges toward legislation to remedy social and industrial injustices. This alienated many conservatives who had no sympathy with machine politics. While Woodruff continued to declare that the issue in New York was the direct primary, Barnes assailed Roosevelt's radicalism and asserted that his success would mean the humiliation of the President and the advancement of doctrines menacing to social order. Before the State convention assembled at Saratoga on September 27, Roosevelt and Taft met, for the first time since the latter became President, at New Haven and on the surface appeared to be in harmony with respect to the New York situation.<sup>19</sup> To the State committee meeting on the eve of the convention Sherman sent a request for inquiry into the charge that he had been chosen through misrepresentation, and the committee by a vote of 22 to 15, which represented the alignment of the two factions, assured him that there had been no misrepresentations.<sup>20</sup>

The next day Woodruff presented Sherman's name on behalf of the State committee, and Roosevelt was nominated from the floor. He received 561 votes to 445 for Sherman. Aldridge, Barnes, Hendricks, Brackett, and Payn supported Sherman, while among the old organization leaders who went to Roosevelt were Fassett, John F. O'Brien, and George W. Dunn. He had about one-third of the Kings and a large part of the New York delegation. No opposition was made to Elihu Root for permanent chairman. The vote on

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<sup>19</sup>New York Times, September 20, 1910.

<sup>20</sup>New York Times, September 27, 1910.



temporary chairman showed clearly that Roosevelt dominated the convention and would name the candidate for Governor. The only aggressive aspirant was William S. Bennet, who as a result of an active canvass had a considerable personal following, but was backed by neither faction. Roosevelt did not consider him available and hesitated between declaring for Hinman and bringing forward a new man in the person of Henry L. Stimson, who had been a law partner of Root and United States District Attorney. In this office he had made a reputation for efficiency, but he had no standing in State politics, while Hinman in a peculiar degree represented the Hughes policies. Some of the leaders of the defeated faction intimated that Hinman would be the more palatable, since they knew him as a political leader and legislator. But from New York City came the objection that he had voted against the Eighty-cent Gas bill, and Roosevelt finally decided in favor of Stimson, who was nominated on the first ballot. The opposition did not unite on a candidate or seriously push one. Barnes threw his vote to Mayor McEwan of Albany, and Aldridge gave his to State Treasurer Dunn. The others divided between Stimson and Bennet, and seemed willing to let Roosevelt take the responsibility of his victory. The ballot stood: Stimson, 684; Bennet, 242; James B. McEwan, 36; Thomas B. Dunn, 38.<sup>21</sup>

<sup>21</sup>The ticket was: Governor, Henry L. Stimson, New York; Lieutenant-Governor, Edward Schoeneck, Onondaga; Secretary of State, Samuel S. Koenig, New York; Comptroller, James Thompson, Rensselaer; Treasurer, Thomas F. Fennell, Chemung; Attorney-General, Edward R. O'Malley, Erie; State Engineer, Frank M. Williams, Madison; Judge of the Court of Appeals, Irving G. Vann, Onondaga.

The only contest on the platform was over direct nominations. Wadsworth, who led the minority, was able to marshal only 403 votes against 610 in his attempt to prevent a sweeping indorsement of the Hughes policy. The platform declared "relentless warfare upon official and legislative wrongdoing." It enthusiastically indorsed "the progressive, statesmanlike leadership of President Taft," took pride in the achievement of his first eighteen months as President, and said that each succeeding month "confirmed the nation in its high esteem of his greatness of character, intellectual ability, sturdy common sense, extraordinary patience and perseverance, broad and statesmanlike comprehension of public questions, and unfailing and unswerving adherence to duty." The new Tariff law was strongly commended and future revision by separate schedules advised. As Taft was already at odds with the insurgents in Congress and had been much criticised for his loyalty to Secretary Ballinger and for signing the Tariff bill despite its failure to carry revision as far as he desired, this enthusiastic indorsement of the President personally and of the tariff legislation by a convention completely under Roosevelt's domination became interesting later when Roosevelt and his successor came to open hostility. Also significant in view of his later criticisms of some of the same transactions, notably his attack upon Canadian reciprocity in the campaign of 1912, were Roosevelt's words on taking the temporary chairmanship. "During the last eighteen months," he said, "a long list of laws, embodying legislation most heartily to be commended as

combining wisdom with progress, have been enacted by Congress and approved by President Taft." He enumerated the amendments to the Interstate Commerce law, progress toward taxation of corporations doing an interstate business, the plan to do away with over-capitalization, publicity for campaign expenses, the maximum and minimum Tariff law, "the exceedingly able negotiation of the Canadian and other treaties in accordance therewith," the Tariff commission and the Safety Appliance laws. All these, he declared, "reflect high credit upon all who succeeded in putting them in their present shape upon the statute-books. They represent an earnest of the achievement which is yet to come, and the beneficence and far-reaching importance of the work done for the whole people measure the credit which is rightly due to the Congress and to our able, upright, and distinguished President, William Howard Taft."

In dealing with the primary question the platform said: "To Governor Hughes is due the credit for arousing the interest of the people and convincing them of the need of directly electing their party officers and directly nominating their party candidates. We promise legislation which will enact these principles into law."

The defeat of the Democrats in two successive State campaigns carried on under Murphy's control accentuated the always existing country jealousy of Tammany and led to agitation for a reorganized Democracy. As early as September, 1909, a body of independent Democrats, led by Edward M. Shepard and Thomas Mott

Osborne, met at Saratoga. They disavowed enmity to Tammany, but it was noticeable that no Tammany men were invited to attend. Out of this meeting sprang the Democratic League, which undertook, under the direction of John Alden Dix, to reform the party organization and make the party stand for a distinct body of what the reformers conceived to be Democratic doctrine. The gathering adopted a platform embodying traditional Democratic principles of strict construction, resistance to Federal encroachment, and tariff for revenue only, coupled with declarations for the popular election of United States Senators, anti-imperialism, and an income tax. The reformers disliked Murphy but they were even more hostile to Conners, who dominated the up-State organization. This hostility harmonized perfectly with the views of Murphy, who had fallen out with his former ally. The demand for Conners's retirement became so loud that in April he was forced to announce that he would step down, and at the meeting of the Democratic State committee on June 2 he did so. For a new chairman of the State committee Murphy turned to his critics of the Democratic League and entrusted to Dix the task of reorganizing Tammany domination out of the party.<sup>22</sup>

The Democratic State convention met at Rochester on September 29, with Alton B. Parker acting as temporary and Herbert P. Bissell as permanent chairman. Although the independent Democrats were there in large numbers Murphy was in complete con-

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<sup>22</sup>New York *Times*, June 2, 3, 1910.



trol of the situation. A correspondent of the *New York Times* wrote that, though he had attended many conventions, he had "never seen a more general air of distrust and suspicion" than prevailed in Rochester.<sup>23</sup> In the general opinion, the most available candidate was Mayor Gaynor, who was just recovering from the shot of a disgruntled city employe, fired at him on August 9 as he was boarding a steamer for a vacation in Europe. Gaynor wrote two letters of declination. The first, to Dix, was characteristically equivocal in tone, but it was immediately followed by another to a personal representative explaining that the first meant that, if nominated, he would decline.<sup>24</sup>

With Gaynor out of the way, an active movement was started for Shepard, but it made little headway. Murphy did not want him, and several lesser lights of reform had aspirations that they were not inclined to forego. Thomas M. Osborne and James S. Havens, whose success in the Rochester Congress election gave him some prestige, and William Sulzer were all active candidates. The Hearst influence was unsuccessfully exerted, first for James W. Gerard, then for William Sulzer, and finally for Martin H. Glynn. Murphy preferred, however, to work with the reformers of the Democratic League, but he was unable to effect union on any one of the avowed candidates. After unavailing efforts to induce Gaynor to change his mind, he turned to Dix, who had first declined lest he might seem to be using his place of State chairman to promote his own

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<sup>23</sup>*New York Times*, September 30, 1910.

<sup>24</sup>*New York Times*, September 27, 28, 1910.

advancement. He finally consented on condition that the other candidates withdraw. They all did, except Sulzer, and accordingly Dix was nominated on the first ballot, receiving 434 votes to 16 for Sulzer. As the Republicans had nominated only one candidate for the Court of Appeals, leaving the second place open to be filled by the State committee with a candidate chosen by the Democrats, the convention accepted Vann and nominated Frederick Collin to fill the vacancy caused by the death of Edward T. Bartlett. Collin was indorsed by the Republicans and in October was appointed to the seat by Governor Hughes.<sup>25</sup>

In harmony with the opening speech of Parker attacking Roosevelt's "New Nationalism" the platform declared: "The party pledges itself anew to the old nationalism embodied in the Constitution." It also denounced the Payne tariff revision, complained of Republican extravagance, and dwelt on the corruption revealed by the Allds trial and the insurance investigation. It favored a statewide direct primary, an Income Tax amendment, and the direct election of United States Senators.

The Republicans went away from Saratoga with forebodings of defeat. Woodruff retired from the State chairmanship and was succeeded by Ezra P. Prentice. But Roosevelt himself was the dominating

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<sup>25</sup>The ticket was: Governor, John A. Dix, Washington; Lieutenant-Governor, Thomas F. Conway, Clinton; Secretary of State, Edward Lazansky, Kings; Comptroller, William Sohmer, New York; Treasurer, John J. Kennedy, Erie; Attorney-General, Thomas Carmody, Yates; State Engineer, John A. Bensel, New York; Judges of the Court of Appeals, Irving G. Vann, Onondaga, and Frederick Collin, Chemung.

figure of the campaign. The Republican party in the State suffered from more than a factional fight. The old leaders were used to the clash of interests and could easily reconcile differences with rivals who played the game of politics according to their rules. But the result at Saratoga spelled for them the passing of the old order and the conduct of politics by methods that they did not understand. They felt that Roosevelt's success would put them out of business and they gave only half-hearted support to his ticket. Still, the Republicans might have hoped to win if they had faced no difficulty but the indifference of discarded leaders.

The trouble lay deeper and was not confined to New York. Irreconcilable differences between the conservatives and radicals in the Republican party, held in check by Roosevelt's dominating personality, could not entirely be suppressed. Taft entered the White House hailed as the heir of the Roosevelt policies. Not less progressive in his attitude toward social and industrial advancement than his predecessor, his judicial traditions and temperament alienated impatient radicals. Partly through circumstances beyond his control, partly through his own political inaptitude, the President soon found himself ranked a reactionary in popular opinion. The tide, which since 1894 had stood so strongly in favor of the Republicans, had turned throughout the country. On the other hand, Roosevelt's assumption of leadership in New York gave opportunity to all the adversaries that he had accumulated through many years. The financial interests, which he had antagonized by his attempts to regulate

railroads and curb trusts; the conservatives, who mistrusted his attitude on the traditions of government; the politicians, who had necessarily followed him as President, breathed a sigh of relief when he departed for Africa. All were aroused to prevent the reestablishment of his domination over the party. Against such a feeling, neither enthusiasm for the Hughes reforms, which he championed, nor fears of giving the State over to the rule of Tammany, could prevail. The idea that his campaign was the initial step to the third term candidacy and was hostile to the Taft administration was so widely circulated as to draw from Elihu Root this solemn warning:

"A good many Republicans at this time seem to ignore all the grave and substantial issues which are before the people of the State, and intend to vote at the coming election upon no issue whatever, but simply as an expression of feeling against Mr. Roosevelt, whose course regarding national affairs they disapprove for one reason or another, and whom they desire to punish by defeating the party to which they belong, in which they believe, and which they have long loyally supported, because he holds a distinguished and potent place in the councils and activity of the party. . . . If it should happen that the administration cannot hold its own party together, the national convention would be quite likely to look for a Moses to lead them out of the wilderness and they might go to Mr. Roosevelt, or they might go to one of the far more radical leaders who are now looming up in the political horizon of the north and middle west."<sup>26</sup>

Root defended the "New Nationalism," protested that Roosevelt's criticism of the ultra conservatism of courts was within proper bounds, and predicted that if Republicans through personal feeling defeated the

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<sup>26</sup>Speech in New York City, October 28, 1910.



party they "would regret it hereafter." His warning to conservatives, however, fell on deaf ears. On the evening of election the Union League Club, of which Roosevelt was a member, was thronged with men who openly rejoiced at every return indicating Democratic victory, in other States as well as New York, and, as they supposed, the shattering of Roosevelt's political power. The victory of the Democrats was widespread. They elected Governors in Maine, Connecticut, Massachusetts, Ohio, and New Jersey, and won control of the new House of Representatives. In New York Dix won by a plurality of 67,401, but his victory was less a result of Democratic strength than of Republican weakness; for he received 45,000 fewer votes than had been given to Chanler. The vote was: Dix, 689,700; Stimson, 622,299; John J. Hopper (Independence League), 48,470; Charles Edward Russell (Socialist), 48,529; T. Alexander MacNicholl (Prohibition), 22,295; Frank E. Passanno (Socialist Labor), 5,717.

Dix's associates were elected by pluralities ranging from 1,873 for Lazansky to 29,884 for Conway. The Democrats elected 23 of the 37 Congressmen and carried both houses of the Legislature. The Assembly stood: Democrats, 85; Republicans, 63; Independent Democrats, 1; Independence League, 1. The Senate stood: Democrats, 29; Republicans, 21; Independence League, 1. A constitutional amendment increasing the number of Judges of the Court of Appeals and giving them additional compensation was defeated by 292 votes, and a bond issue of \$2,500,000 for the Palisades Park, to enable the State to perform its part of the

agreement by which it took the great tract of land given by Mrs. Edward H. Harriman, was authorized by a plurality of 63,371.

In this year of struggle between the old and the new in politics came the deaths of the two men who, though they had outlived their political power, were still, as they had been for nearly thirty years, the personification to the public mind of the traditional forms and methods of political management in New York. Thomas C. Platt died on March 6, just as his old-time followers were choosing a successor to Allds. David B. Hill died on October 21, just as his party, for the first time since he sent it to defeat with Maynard, was to be returned to power.



HORACE WHITE

Horace White, 40th governor; born in Buffalo, N. Y., October 7, 1865; graduated Cornell university; admitted to the bar and practiced law in Syracuse, N. Y.; state senator, 1896-1908; elected lieutenant governor, 1908; became governor October 8, 1910 upon the appointment of Governor Hughes as justice of the U. S. supreme court and his consequent resignation as governor.







IRVING GOODWIN VANN

Irving Goodwin Vann, judge; born at Ulysses, Tompkins county, January 3, 1842; graduated from Yale, 1863 and the Albany law school, 1865; practiced law at Syracuse, N. Y., beginning in 1865; mayor of Syracuse, 1879; justice of the supreme court, 1882-1896; appointed to the court of appeals December 31, 1895 in place of Rufus W. Peckham, resigned; elected for full term in 1896; reëlected in 1910 and served until he retired on the age limit, December 31, 1912; died at Syracuse, N. Y., May 22, 1921.



## CHAPTER XII

### THE DEMOCRATS TAKE CONTROL

1911

THE Democratic victory almost immediately brought into open hostility two elements of the party, which had suppressed their differences during the campaign. On the one side stood those of reform and anti-machine views and associations, who had inspired the formation of the Democratic League, and on the other Murphy with the compact forces of Tammany Hall. Although Murphy had clearly dominated the Rochester convention and had not fully met their wishes, the reformers had great hope of Dix. He had been in sympathy with them and they looked to him to show the same independence in dealing with their party's bosses that Hughes had shown in dealing with the Republican machine. Nevertheless, they themselves adopted a conciliatory attitude toward Murphy and were desirous of harmony. The first of the disputes came over the election for Senator to succeed Depew. The reformers, led by William Church Osborn and Thomas Mott Osborne, both of whom went into office under Dix, brought forward Edward M. Shepard. Shepard's high intellectual gifts and the purity of his character made a strong appeal to inde-

pendent sentiment. He was a distinguished lawyer, a student of statecraft, a subtle dialectician, kindly without being a "good mixer"; but his inability to get hold of men prevented his ever proving the constructive power as an executive or legislator that a group of ardent friends believed he possessed. He had no hold upon the politicians, but it was thought that the opportunity to place in the Senate one of the party's leading thinkers to match Root would appeal to the practical wisdom of the organization. Just as the Shepard movement seemed to be making good progress, William F. Sheehan appeared as a candidate, to the dismay of the reformers, who discovered that he had quietly been at work before election and earned the gratitude of many Democratic legislators by helping them in their campaigns. He had a strong following in Buffalo, his old home, and enjoyed the friendship of many aggressive organization Democrats, including most of the Tammany leaders. The *New York Times* attacked him as an unworthy candidate, who had grown up in a bad school of "smart" politics and been one of the most daring of Hill's lieutenants.<sup>1</sup>

Sheehan's friends answered that he had outgrown the political standards to which the circumstances of his early career, as well as the unswerving loyalty of his nature, had restricted him in bygone times, and that in character, as certainly in ability, he fairly represented his party. He was a successful lawyer at the metropolitan bar (having removed to New York from Buffalo),

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<sup>1</sup>*New York Times*, January 1, 1911.



had the respect of able and honorable men, and possessed lovable traits that endeared him to his associates. Directly after the election Parker's name was suggested, but he declined and supported Sheehan, who was his law partner. Other men, such as James W. Gerard, J. Sergeant Cram, Herbert P. Bissell, D-Cady Herrick, and Daniel F. Cohalan received passing mention, but before the Legislature met the prize apparently lay between Sheehan and Shepard and its destination depended on Murphy, who refrained from committing himself. Gaynor declared for Shepard, and as late as January 6 Osborne felt sure of Murphy's decision in favor of Shepard.<sup>2</sup> Four days later John H. McCooey, Murphy's Brooklyn lieutenant, announced that Kings county would be solid for Shepard, and the reformers rejoiced. But on the same day Murphy in the Grand Central Station, as he was about to take the train for Albany, declared that the New York organization was opposed to Shepard, adding, "His only friends and advocates are men who generally vote the Republican ticket and only occasionally vote for a Democrat."<sup>3</sup> Murphy, however, did not at once commit himself to Sheehan. He had some difficulties with his own organization; J. Sergeant Cram opposed him and declared that he would resign as secretary of the Tammany county committee if Sheehan was supported.<sup>4</sup> It became evident before the caucus, on January 16, that Tammany had determined on Sheehan.

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<sup>2</sup>New York *Times*, January 11, 1911.

<sup>3</sup>New York *Times*, January 12, 1911.

<sup>4</sup>New York *Times*, January 14, 1911.

Dix was asked to take an active hand in favor of the reformers, with whom he evidently sympathized, but he refused to exercise his influence or even announce his preference. The most he would say was that he wanted every man "to vote according to his own conscience" and "untrammelled by coercion from any quarter." When it was seen that the caucus would surely nominate Sheehan, twenty-five of the Democratic legislators refused to attend it. In the caucus the vote was: Sheehan, 62; Shepard, 22; Herrick, 7. Shepard received the promised Kings county vote from men who had no expectation of nominating him, "the program having been prearranged," as Shepard afterward wrote, "that their formal vote for me should be followed instantly by their effective vote for Mr. Sheehan." Two Assemblymen, Chanler and Shortt, refused to make the nomination unanimous. The Republican caucus renominated Depew by a vote of 65 to 2 for Roosevelt. In the session the next day, twenty-six Democrats refused to support the caucus nomination. The ballot was: In the Senate—Sheehan, 25; Depew, 20; Shepard, 2; Gerard, 1; Littleton, 1; Herrick, 1. In the Assembly—Sheehan, 66; Depew, 59; Shepard, 12; Gerard, 1; Littleton, 1; Herrick, 1; Parker, 6.

Though Dix held aloof, his successor as State chairman, Winfield A. Huppuch, came out for Sheehan and urged the insurgents to abide by the caucus.<sup>5</sup> Ballots were taken from day to day without material changes until the middle of February, when the insurgents tried to concentrate on John D. Kernan. A few days later

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<sup>5</sup>New York Times, January 26, 1911.

Martin W. Littleton announced himself as a candidate with the object of breaking the deadlock. On February 26 Shepard retired from the contest, attacking Tammany as a "voting trust" and predicting that Sheehan would soon withdraw."<sup>6</sup> The next day Murphy replied, taunting the insurgents with their conciliatory attitude when they thought that the "voting trust" might favor them. He said: "I hesitate greatly to believe that Mr. Shepard or any of his friends would have found any fault with the support of Tammany Hall if they had succeeded in their efforts to secure such support for him for Senator—any more than they would have been put out with it if Mr. Shepard had succeeded in being nominated for Governor at Rochester, instead of Mr. Dix."<sup>7</sup>

The withdrawal of Shepard simply left the insurgents to scatter a little more than they had before. Dix, finally aroused by the fear that the deadlock would wreck his legislative program, urged the Democrats in the Legislature to drop Sheehan, since, after a reasonable opportunity to convert the dissenters, he was clearly unable to win.<sup>8</sup> But Sheehan declared that he would not withdraw as long as he remained the nominee of the party caucus. Repeated attempts were made to arrange a new caucus, but Sheehan on the one hand would not retire and the insurgents on the other would not enter it without assurance against encountering a solid phalanx of Tammany votes thrown for Sheehan

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<sup>6</sup>New York *Times*, February 27, 1911.

<sup>7</sup>New York *Times*, February 28, 1911.

<sup>8</sup>New York *Times*, March 4, 1911.



or some other candidate at Murphy's dictation. They began to talk instead of joining with the Republicans to elect some independent Democrat, and Brackett, the Republican leader in the Senate, declared for such a combination. In the hope of preventing this a new caucus was held on March 27, though the 25 insurgents still refused to enter it.<sup>9</sup> Sheehan still persisted in his candidacy, but received only 28 votes. Augustus Van Wyck received 7, John J. Fitzgerald 6, Isidor Straus 5, John D. Kernan, Daniel F. Cohalan, and Theodore Sutro 4 each; while 28 votes were scattered. The Tammany vote itself was no longer concentrated. The caucus adjourned from day to day without any results until, at the end of March, Barnes advised the Republicans that they ought to help elect an independent Democrat and the insurgents let it be known that unless Murphy compromised they would join to elect Kernan. The insurgents presented a list to Murphy from which he might choose a Senator. On it were the names of Herrick, Gerard, Straus, Glynn, Littleton, Van Wyck, Parker, Kernan, Herman Ridder, John N. Carlisle, and Victor J. Dowling. Murphy insisted that they must put on the list Cohalan, one of his most intimate advisers, and Morgan J. O'Brien, but they refused. Then Murphy proposed James A. O'Gorman, a loyal Tammany man, whose judicial position had preserved him from the antagonisms of politics. Under urgency from Dix, fourteen of the insurgents, led by Franklin D. Roosevelt, went into the caucus, and there the vote was:

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<sup>9</sup>New York *Times*, March 27, 28, 1911.



O'Gorman, 63; Sheehan, 23; Straus, 5; Herrick, 4; Kernan, 3; Van Wyck, 1; Sulzer, 1; Parker, 1.

On the last day of March O'Gorman was elected, receiving the full Democratic strength of 112 votes, to 80 for Depew. The insurgents had beaten Sheehan, but their final compromise was most unwelcome to reform Democrats. The *New York Times* described the result as the "surrender of the insurgents" and said: "We have been told that the insurgents were fighting for a 'principle.' Mr. Murphy also was fighting for a 'principle,' the principle of Murphy rule. He has won his fight."<sup>10</sup>

The Senatorial deadlock made havoc with Governor Dix's legislative program. It not only caused delay but started factional bitterness and revealed the Governor's lack of the leadership necessary to realize his own good intentions. A serious fire in the Capitol on March 29 also interfered with the progress of legislation, so that the first session did not end until July 21. Murphy so far sacrificed to public opinion at the beginning of the session as to set Grady aside from the nominal leadership of the Senate and make Robert F. Wagner President *pro tem*. Cobb's disposition to compromise with reform had alienated the Republican organization in the Senate, which chose Brackett leader over Hinman, the candidate of the Hughes men. Daniel D. Frisbie of Schoharie was elected Speaker, and the Republican leadership of the Assembly naturally fell to Merritt, since the Roosevelt defeat threw the organization back into the hands of the "Old

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<sup>10</sup>*New York Times*, April 1, 1911.

Guard." Prentice resigned the chairmanship of the State committee in January, and Barnes was elected to succeed him without serious opposition. Dix put forward a program of economy, abolition of State commissions, ballot reform, and direct primaries. He also favored the Federal Income Tax amendment, disregarding Hughes's objection to its form, and on his advice the Legislature ratified it and likewise memorialized Congress to pass a constitutional amendment for the popular election of the United States Senators. In the guise of abolishing unnecessary commissions, the Legislature put through several measures denounced by the Republicans and reform Democrats as "Ripper bills," designed merely to seize office. The Highway commission gave way to a board composed of a Superintendent of Highways, the Superintendent of Public Works, and the State Engineer. A Conservation commission superseded the Forest, Fish and Game department, the State Water Supply commission, and minor boards.<sup>11</sup> The Court of Claims was superseded by a Board of Claims having the same functions, for the sole purpose of providing party patronage. The Levy Election law attempted to extend personal registration to the rural districts, and also to prevent any candidate's name from appearing in more than one place on a ballot, thus handicapping fusion movements in the interest of Tammany, but the Court of Appeals declared both these provisions unconstitutional.

Throughout the long session Tammany hampered the Governor's efforts to meet in good faith the

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<sup>11</sup>New York Times, July 22, 1911.

demands for direct nominations. Dix finally sent special messages urging the passage of the Blauvelt-Ferris bill, which Franklin D. Roosevelt and other insurgents declared he had formerly condemned, and which they pronounced a fraud on the people, intended to fasten the control of the bosses on the parties. This measure provided for the direct nomination of Congressmen, members of the Legislature, and local officers, but retained the State conventions to nominate Governors and other State officers. The reformers especially objected to it because it gave the candidates designated by the party committees a preferential place on the primary ballot and the use of the party emblem, leaving candidates designated by petition at a disadvantage. It also allowed the party committees to use the party funds to promote the nomination of their candidates as against candidates put forward by petition, thus turning the machinery of the whole party to the service of the "organization" leaders. The Legislature adjourned without passing even this bill, but reassembled again on September 6 to reapportion the Congress districts in accordance with the new Federal law, which increased New York's representation from thirty-seven to forty-three. Then, when the insurgents threatened to join with the Republicans and pass a modified form of the old Hinman bill, the Democrats adopted the Blauvelt-Ferris bill, and the Governor accepted it as the best he could get.

The Governor was no more fortunate with his appointments than with his legislation in holding the favor of the reformers who had hoped for so much from



him. He was forced to name Cohalan to succeed O'Gorman in the Supreme Court, in order to obtain Murphy's delayed consent to the confirmation of George C. Van Tuyl for Superintendent of Banks.<sup>12</sup> He made J. Sergeant Cram, the secretary of the Tammany county committee, and Huppuch, the chairman of the State committee and his private business associate, Public Service Commissioners, and later gave to his own brother-in-law, Curtis N. Douglas, the same office. He appointed Civil Service Commissioners without inquiry into their disposition toward the law, and they so opened the door to spoilsmen that the *New York Times*, which had started out an ardent supporter of Dix, said: "It begins to look as if there was nobody in the State quite so careless about the success and the reputation of Governor Dix's administration as the Governor himself."<sup>13</sup>

Tammany pushed through a Three Platoon Police bill for first and second-class cities, despite its home rule principles, but was forced to amend it to exempt traffic squads. It attempted to pass a new charter for New York City, but a controversy, chiefly provoked by a provision giving the Mayor an ultimate veto on railway contracts, which the Brooklyn Rapid Transit Company felt would be inimical to it as Gaynor was believed to favor extension of the single Interborough system, caused its defeat.<sup>14</sup> On the other hand, Dix deserved credit for preventing much bad legislation. He vetoed

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<sup>12</sup>Myers, *History of Tammany Hall*, p. 354.

<sup>13</sup>*New York Times*, February 8, 1911.

<sup>14</sup>Statements to the writer by Ray B. Smith and Robert Cumming, counsel to the Charter Revision commission.



more than one hundred bills. After signing at the first session a law establishing a Boxing commission, under which almost unrestrained prize-fighting was carried on, he courageously reversed his attitude and sought a repeal, but without avail, and then forced his own appointees in the commission to reform their administration. In September he removed Lawrence Gresser, the Borough President of Queens, on the report of Samuel H. Ordway, who had been appointed by Governor Hughes to examine into charges that had been made the year before. Mayor Gaynor's influence was exerted to save Gresser. The removal, however, was agreeable to Murphy, for it strengthened the faction in Queens, led by Joseph Cassidy, with which Murphy was allied.

No State officers were chosen in 1911, but the Assembly elections showed that Murphy had again alienated the reform Democrats and that the Republicans who had set out to defeat Roosevelt were back in line. The reformers had a clear issue of Murphy's domination, for Tammany visited its punishment on the insurgent Assemblymen and, wherever it had power, refused to renominate them. The Republicans received material aid from the revelation that William Willett, one of the Democratic candidates for the Supreme Court in the Long Island district, nominated by agreement between McCooley and Cassidy, had paid a large sum to Cassidy for the nomination. Willett was repudiated by his two Democratic associates on the ticket, but all of them went down to defeat, and three Republican Justices were chosen. Willett

and Cassidy were subsequently convicted of bribery and served prison terms. Murphy elected his local ticket in New York county, but elsewhere the tide set strongly with the Republicans. They recovered the Assembly, which stood: Republicans, 101; Democrats, 48; Socialist, 1. Edwin A. Merritt, Jr., of St. Lawrence, was elected Speaker. The Socialists won a conspicuous victory for the first time in the history of the State in the election of the Rev. George R. Lunn as Mayor of Schenectady. Seven constitutional amendments were submitted and all were defeated by majorities ranging from 41,000 to 151,000. The proposals were: To increase the salaries of members of the Legislature, to take from the Appellate division the power to make assignments of Supreme Court Justices, to add two Judges to the County Court of Kings county, to permit condemnation of private property in excess of that actually needed for the public use, to increase the Governor's salary from \$10,000 to \$20,000, to impose additional restrictions on the sale of canal property, and to authorize the Supreme Court with or without a jury to fix compensation in condemnation proceedings. A proposal to bond the State for \$19,800,000 for canal terminals was carried by 4,416 majority.

Notwithstanding the widespread feeling among Democrats that Murphy's management had been disastrous to the party and newspaper predictions that he, or at least his Brooklyn associate, John H. McCooey, who had been decisively beaten, would have to retire, the Tammany organization continued to dominate the Democracy. It controlled the Senate, and with the

Republican Assembly under Merritt as Speaker rendered the Governor largely impotent. In his message Dix called for more economy, for the repeal of the Frawley Boxing law, and for the elimination from the Primary law of the features that interfered with popular control of the party organizations, but Tammany would neither repeal the Boxing law nor reform the primaries, except to make the choice of State committeemen direct. The Legislature continued the direct tax imposed in 1911 and, on the Governor's recommendation, passed for the first time a constitutional amendment for liberal employers' liability legislation to meet the objection of the Court of Appeals to the Wainwright Employers' Liability law of 1910. Dix was greatly interested in the development of the State's water power, but was unable to secure the acceptance of his plan to effect it. The Assembly voted to rescind the State's ratification of the income tax, but the Senate failed to concur in this action, which would probably have availed nothing, for, according to precedent, a State's ratification of an amendment cannot be withdrawn. The most important legislation of the session was an act that enabled New York City to extend its subways under the dual system.

## CHAPTER XIII

### THE PROGRESSIVE SCHISM

1912

AS THE Presidential election approached, the latent hostility of Roosevelt toward Taft became open and active. The defeat of Roosevelt's ticket in 1910, instead of removing him from the political arena as his enemies hoped, had, as Root warned them it would, widened the breach in the party. Roosevelt espoused the policy of the radicals and committed himself not only to the initiative and referendum but to a plan for overruling State courts on constitutional questions by popular vote.<sup>1</sup> He became especially critical of the New York Court of Appeals, which had set aside the Workmen's Compensation act,<sup>2</sup> and argued that the people should have a right to declare such an act valid out of hand regardless of its specific constitutional defects, although a constitutional amendment was then pending that would in regular order open the way to the desired reform. Through this "recall of judicial decisions," the Bill of Rights, or any constitutional safeguard of person or property, might be overridden by a temporary majority enthusi-

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<sup>1</sup>Speech at Columbus, Ohio, February 21, 1912.

<sup>2</sup>*Ives vs. South Buffalo R. R. Co.*, 201 N. Y., p. 271.



astic for some suggestion of social betterment or intent on penalizing some unpopular class and indifferent as to the form of the measure for the purpose and its ultimate effects. It aroused the deepest opposition in all quarters still attached to conservative governmental traditions and concerned for the constitutional safeguarding of minorities.

Among the conservatives there was practically no opposition to the renomination of Taft. He and they realized the danger of defeat, but they had no choice unless they were prepared to accept doctrines that they considered contrary to Republican principles and subversive of constitutional law. Cummins of Iowa had a small following among the radicals, but their most promising candidate was LaFollette. Roosevelt for a time was said to favor LaFollette, and certainly the Wisconsin Senator thought he had assurances of that support. Gifford Pinchot, William Flinn of Pittsburgh, and other close friends of Roosevelt contributed liberally to his campaign fund. But LaFollette's candidacy excited no enthusiasm, and he put himself out of the running at a publishers' dinner in Philadelphia on February 2, when he appeared beside Woodrow Wilson, who had made a tactful speech, and talked far into the night in a tone of fanaticism and of defiance to listeners whose weariness he seemed to interpret as wicked resistance to truth. When it became evident that he could not wrest the nomination from Taft, the radicals, seeking a stronger personality, turned to Roosevelt. On February 10 the Governors of Kansas, Wyoming, West Virginia, Nebraska, Michigan, New

Hampshire, and Missouri sent to him what was known as the "invitation of the seven Governors" asking him to run, and on February 24 he "threw his hat into the ring" and became a candidate for the Presidential nomination.

In the New York primaries on March 26, Roosevelt was badly beaten. Some difficulty over the supply of ballots, due partly to delays in printing caused by the litigation of his followers, led him to complain of the result, but there could be no doubt that despite his great popularity the majority of the enrolled Republicans resented his attacks on the administration and feared his new doctrines.<sup>3</sup> The Republican State convention at Rochester on April 9 was presided over by Nicholas Murray Butler. Roosevelt's opponents were in overwhelming force, but many of them, including Barnes, were not disposed to commit themselves unreservedly to Taft. Barnes opposed instructions to the last, while Root favored them. Barnes won to the extent that there was no formal instruction for Taft, but the convention on the other hand disregarded the old theory that it had nothing to do with district delegates, by urging in the platform support of Taft by the whole delegation. Following the spirit of Butler's speech, the platform declared opposition to the initiative and referendum and the recall of Judges or of judicial decisions, and declared its devotion to "self-controlled representative democracy." It also called for a definition of offenses under the Sherman law and for a national banking reserve association. This platform,

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<sup>3</sup>New York Times, March 27, 1912.

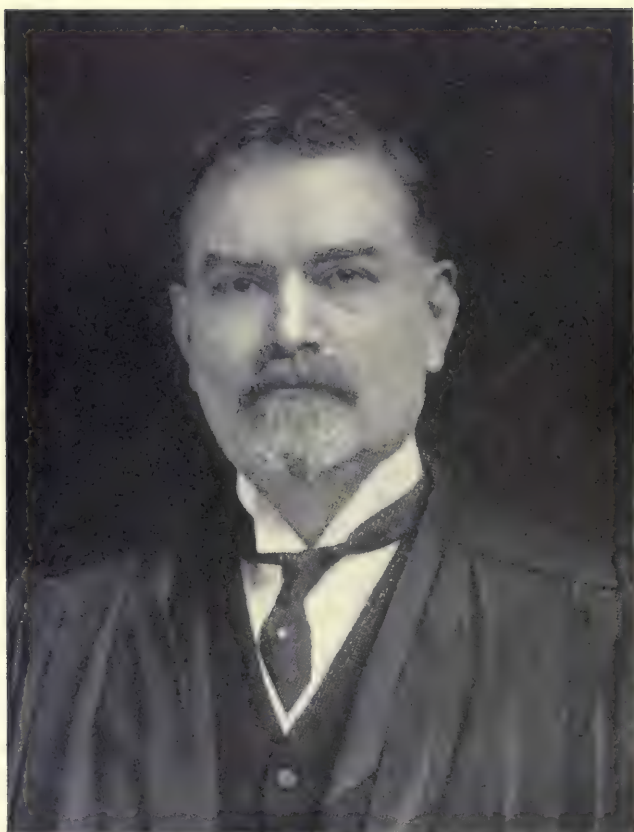


JOHN ALDEN DIX

John Alden Dix, 41st governor (1911-1912); born, Glens Falls, N. Y., December 25, 1860; graduate of Glens Falls academy, 1879 and Cornell university, 1883; dealer in marble and lumber; delegate democratic national convention, 1904; democratic nominee for lieutenant governor, 1908; chairman state committee, 1910; governor of New York state, 1911-1912.







JAMES ALOYSIUS O'GORMAN

James Aloysius O'Gorman, senator; born in New York City, May 5, 1860; graduated, New York university, 1882; honorary degree from Villanova college, 1904 and Fordham university, 1908; admitted to the bar, 1882; justice district court of New York City, 1893-1900; justice supreme court, first district, 1900-1911; United States senator from New York, 1911-1917.



which summed up the conservative doctrines, was carried by a vast majority. The most strenuous voice in opposition to it was that of Comptroller Prendergast, one of the few Roosevelt men in the organization ranks. Elihu Root, William Barnes, Jr., Edwin A. Merritt, Jr., and William Berri were chosen delegates-at-large.<sup>4</sup> The State delegation was reported to stand: Taft, 83; Roosevelt, 7. These seven men were the four Westchester delegates led by William L. Ward, the two from Roosevelt's own Congressional district, and Prendergast, who, although a declared Roosevelt man, met no opposition his own district.

Roosevelt was more successful in capturing other important States in an extended speaking campaign, in which the President was forced to compete. Taft's declaration of belief in representative as opposed to direct government was interpreted by Roosevelt to mean a desire for rule by the few, and Roosevelt presented himself as the champion in a new battle for human rights against political and business privilege and archaic laws.<sup>5</sup> He won the majority of the delegates from California, Illinois, Pennsylvania, Ohio, and New Jersey. This left him still in a considerable minority, but his campaign managers adopted a policy of bringing forward contesting delegates from State after State that had been won by Taft, especially in the south, where charges of corruption and Federal domination are always rife. Before the national committee had finished its work of making up a temporary

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<sup>4</sup>New York *Times*, April 9, 10, 11, 1912.

<sup>5</sup>Speech in New York City, March 20, 1912.

roll, Roosevelt began to charge that he was being robbed. On many of the cases his own representatives voted for the Taft contestants. On the other hand, many fair-minded men felt that in some cases, notably Texas and Washington, the Roosevelt delegates had been the victims of the "steam-roller." So bitter did the contest become that Roosevelt, disregarding custom, himself went to take command of his forces at Chicago, where the national convention met on June 18. He first directed his fire against Elihu Root, who had been selected for temporary chairman by the national committee. Seeking a union with La Follette, he picked Governor Francis McGovern of Wisconsin for the opposition candidate, but La Follette resented Roosevelt's entrance into the campaign and charged that Roosevelt, after urging him to make the run, had insidiously and secretly undermined his organization. He repudiated McGovern and took from him one-half of the Wisconsin vote. Root received 558 votes to 501 for McGovern. New York stood: Root, 76; McGovern, 13. To the seven original Roosevelt men were added Timothy L. Woodruff, James E. March, Charles H. Murray, Perry G. Williams of Lowville, and George W. Aldridge and James W. Hotchkiss of Rochester.<sup>6</sup>

An attempt to exclude contesting delegations from any voice in the committee on credentials brought a second test vote, in which Roosevelt was beaten, 564 to 510, despite the solid support of Wisconsin and Iowa and 15 votes from New York. The struggle was then

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<sup>6</sup>New York *Times*, June 19, 1912.



transferred to the committee on credentials, with Roosevelt already beginning to talk of a bolt but restrained by Senator Borah and Governors Hadley and Deneen, who, with his more conservative followers, did not approve of the extent to which the making of contests for merely strategic reasons had been carried. To the national committee 254 contests had been presented, only 20 of which had been decided in Roosevelt's favor. When it came to presenting the cases again to the committee on credentials, Roosevelt's managers sifted down the contests that they cared to present to 78. These were enough, however, to carry the convention, and, when it was evident the seats would be given to Taft, Roosevelt determined to take no further part in the proceedings. He left LaFollette's friends to lead an unsuccessful fight for the radical doctrines, and under his instructions the great majority of his friends sat silent while the nominations were being made. Nicholas Murray Butler seconded Taft on behalf of New York, after his name was presented by Warren G. Harding, and the vote on the first and only ballot stood: Taft, 561; Roosevelt, 107; Cummins, 17; LaFollette, 41; Hughes 2; not voting, 355. The New York delegation divided 76 for Taft, 8 for Roosevelt, and 6 not voting.<sup>7</sup> Vice-President Sherman had not been an active candidate for renomination, and Taft would have been glad to take for a running-mate a western radical, but it was already clear that hope of reconciliation with the Roosevelt forces was vain. The

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<sup>7</sup>New York Times, June 20, 23, 1912; *Official Proceedings*, p. 403.

New York delegation had been the backbone of the Taft strength, and its friendship for Sherman prevailed over the objection to a ticket of unrelieved conservatism.

In the eyes of Taft the issue presented was whether the Republican party had changed its attitude as a conservator of constitutional republican government and had abandoned the principle of absolute independence of the judiciary. He and his managers answered the outcry over the methods by which the convention was controlled with the statement that practices that Roosevelt had approved himself when in power had been followed. On the other hand, their critics pronounced this a legalistic rather than moral defense, and they had the sentimental advantage that Roosevelt had carried the great States where popular primaries were held and that Taft depended for his majority on southern delegates, who represented no considerable Republican vote.

Immediately upon the adjournment of the Republican convention, Roosevelt's friends held a meeting in Chicago, marked by great enthusiasm and elements of almost religious zeal. They decided to nominate Roosevelt and to organize a new party to support him. For a name they turned to the LaFollette camp, which in 1911 had founded the National Progressive Republican League, and assumed the title of the Progressive party. They held their national convention in Chicago on August 5, with Senator Beveridge as temporary chairman. Roosevelt himself was present and shaped the party's policy. He excluded the southern negroes

from the convention and planned with a white man's party to venture upon a contest in the southern States with the Democrats. Prendergast presented Roosevelt, who was nominated by acclamation for the Presidency, as was Hiram W. Johnson of California for the Vice-Presidency.

The difference between conservatives and progressives was scarcely less marked in the Democratic than in the Republican party. The four leading candidates were Governor Judson Harmon of Ohio and Oscar W. Underwood of Alabama, conservatives; Speaker Champ Clark of Missouri, a follower of Bryan, and Governor Woodrow Wilson of New Jersey, whose position was somewhat enigmatic. Governor Wilson was a student of political science and a leader in progressive economic and social legislation, but he opposed Bryan's financial theories. He had entered into politics from the presidency of Princeton University, and by his great ability as a speaker and his independent forcefulness as Governor had won a commanding position before the country. One of his most ardent advocates was George Harvey, editor of *Harper's Weekly*, who was in close sympathy with the conservative Democrats and the business interests of the east. Wilson, however, saw the necessity of disassociating himself from these friends, and in January asked Harvey to cease an advocacy that was embarrassing. This repudiation of a zealous friend strengthened his hold on the radicals, and, in spite of the publication of a letter written to Adrian H. Joline in 1905 in which he had prayed for someone "to knock Mr. Bryan into a

cocked hat," an increasingly favorable attitude toward him was shown by Bryan.

The New York Democrats were in general conservative, though many of the reform elements were attracted to Wilson by his independence and intellectual power, and inclined to consider him a representative of the Cleveland school of political thought rather than of the new theories that were revolutionizing traditional Democratic doctrine. Murphy completely controlled the Democratic State convention, which was held in New York City on April 11 with Seymour Van Santvoord as temporary and John J. Fitzgerald as permanent chairman. The platform was devoted chiefly to the tariff and declared that the Republicans had grossly deceived the public with promises of fair revision. Dix, O'Gorman, Parker, and Murphy were chosen delegates-at-large to the national convention and the delegation was left without instructions but bound by the unit rule.<sup>8</sup>

The first trial of strength between Bryan and the conservatives came on June 20, when a sub-committee of the national committee recommended Parker for temporary chairman. Sullivan and Taggart, the anti-Bryan leaders of Illinois and Indiana, joined Mack in support of Parker and obtained for him eight votes against eight scattered. Clark's friends voted for Ollie M. James, while Wilson's divided.<sup>9</sup> Bryan made his issue "the people against the interests," and called on the candidates to define their positions. Clark refused

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<sup>8</sup>New York Times, April 12, 1912.

<sup>9</sup>New York Times, June 21, 1912.



to be drawn into the fight against Parker, but Wilson commended Bryan's attitude. On June 24 the whole national committee indorsed the action of its sub-committee by a vote of 31 for Parker to 30 for James and 2 for O'Gorman. Then Bryan carried the fight to the floor of the convention, which met in Baltimore on June 25. There Parker won, by a vote of 579 to 508 for Bryan, who had himself become a candidate. The majority of the New Jersey delegation went to Bryan, while the majority from Clark's State, Missouri, voted for Parker. The permanent chairmanship went to James without opposition. Clark was charged with making a deal to get the 90 votes of New York, but he denied that there was any understanding. The next day, by a vote of  $565\frac{1}{2}$  to  $492\frac{1}{3}$ , the convention modified the unit rule, a time-honored institution of Democratic national conventions—an action that was considered favorable to Wilson. Bryan next threw the convention into a turmoil by declaring opposition to any candidate representative of or under obligations to J. P. Morgan, Thomas F. Ryan, August Belmont, "or any other member of the privilege-hunting and favor-seeking class," and by calling for the withdrawal of any delegates constituting or representing such interests. He declared that there was a conspiracy to sell the Democratic party to the "interests." The Virginia delegation, of which Ryan was a member, protested that Virginia knew her own business in choosing her representatives, and Bryan withdrew the part of his resolution calling for the withdrawal of objectionable delegates. Under Murphy's direction, New York, instead of making an

issue, threw its 90 votes for the resolution, though Belmont was in the delegation, and it was overwhelmingly carried. The balloting began on Friday, June 28. The first vote showed Clark, 440½; Wilson, 324; Harmon, 148; Underwood, 117½; Simeon E. Baldwin, 22; Thomas R. Marshall, 31; William J. Bryan, 1; William Sulzer, 2. Bryan supported Clark, while New York's 90 votes went to Harmon for the first nine ballots. On the tenth they were thrown to Clark, giving him 556 to 350½ for Wilson.

New York's switch to Clark caused Bryan to withdraw from support of the Missourian. He declared opposition to any candidate whose nomination should be made with the aid of New York's votes, and on the fourteenth ballot voted for Wilson. The balloting continued all day Saturday, and when adjournment was taken until Monday after the twenty-sixth ballot, Clark's support was dwindling while Wilson's vote had crept up to 407½. Though Bryan had turned to Wilson, he could not be counted on to stand by him. On Sunday he declared that no candidate dependent on New York's vote would be acceptable, and he suggested a compromise on Kern, James, Culberson, Rayner, or O'Gorman. On Monday fifteen more indecisive ballots were taken, though Wilson gained and took first place. A call for a poll of the New York delegation gave Stanchfield a chance to reply to Bryan. In a bitter speech he charged him with unfair dealing and a desire to deadlock the convention in his own interests. He said: "We have heard for months gone by that Colonel Bryan by his voice and influence was supporting

Woodrow Wilson in one place, that he was supporting Champ Clark in another, that he was combating Harmon here and Underwood there, all of the time desiring and intending, in pursuit of his own selfish ends, to produce a deadlock in this convention in order that he might be the recipient of the fruits of this controversy."<sup>10</sup> Stanchfield then cast his vote for Wilson. The New York poll stood: Clark, 78; Wilson, 9; Underwood, 2; but under the instructions of the State convention the whole 90 went to Clark despite the national convention's repudiation of the unit rule.

Before the next session a whisper went around, spread by Bryan himself, that no nomination was possible, and that the convention would have to take a recess of some weeks. If he hoped this would result in the recognition of himself as the unifying figure in the party he was doomed to disappointment. After the forty-fifth ballot, on July 2, which stood: Wilson, 633; Clark, 306; Underwood, 97; Foss, 27; Harmon, 25, Underwood withdrew, and on the next ballot New York went for Wilson, who received 990 votes to 84 for Clark and 12 for Harmon. Clark bitterly denounced Bryan as the cause of his defeat and refused to take the nomination for Vice-President, which went unanimously to Thomas R. Marshall of Indiana.<sup>11</sup>

Three other Presidential tickets were put in the field. The Prohibitionists named Eugene W. Chafin of Arizona for President and Aaron S. Watkins of Ohio for Vice-President. The Socialists put up Eugene V.

<sup>10</sup>*Official Proceedings*, p. 282.

<sup>11</sup>*New International Year Book*, 1912; *New York Times*, June 27, July 3, 1912.

Debs and Emil Seidel of Wisconsin. The candidates of the Socialist Labor party were Arthur E. Reimer of Massachusetts and August Gillhaus of New York.

The Progressive party was the first to put its State ticket in the field. Among conspicuous Republican organization leaders in New York, Woodruff was almost alone in following Roosevelt out of the party, upon the plea that the contests had not been fairly decided, and he accepted Roosevelt's policies of direct government though he had fought Hughes over so short a step in that direction as direct control of party machinery. Prendergast had been for Roosevelt from the start, and his continued adhesion naturally followed. George W. Perkins and Frank A. Munsey gave the movement the backing of large wealth, and Henry L. Stoddard, proprietor of the New York *Evening Mail*, brought to it effective newspaper support. A group of reformers who had followed Hughes, such as Frederick M. Davenport and William H. Hotchkiss, entered the movement, as did Oscar S. Straus, who had been a member of Roosevelt's cabinet. The new party made little headway with Democrats, but it drew heavily from the rank and file of the Republicans, partly owing to the personal hold that Roosevelt had upon them and partly to the desire for a new political atmosphere, dislike of the bosses, and enthusiasm over Roosevelt's promises of social betterment, which brought the great body of social reformers and settlement workers in a spirit of devotion to his support.

Indications pointed to the nomination of Prendergast for Governor when the Progressives met in Syracuse on



September 5. Davenport was temporary and Straus permanent chairman. Though Prendergast had consented to run with the understanding that he should have a unanimous nomination and Roosevelt had given his approval, no sooner had Prendergast reached Syracuse than he found Hotchkiss, who had been made State chairman by him, cool toward his candidacy. In a conference on the night of the 5th, a long and intimate friendship between the two men came to an end. Hotchkiss denied that he wished to be a candidate, but, in spite of his earlier urgency that Prendergast should run, presented to him in darkest colors all the objections that might be made to his candidacy. Woodruff, who represented to the idealists in the movement unregenerate political machinery, was working for Prendergast. Hotchkiss also represented that Prendergast's investigations of charitable institutions in New York City, which had brought him in conflict with some Roman Catholic authorities, would hurt him, and that on the other hand he would lose votes because he was himself a Roman Catholic.<sup>12</sup> When the nominations were in order Prendergast's name was presented, and then, although Hotchkiss took the platform and declared that he could not be a candidate, his friends insisted on nominating him. Just as the vote was about to be taken to decide between the two rivals, John G. McGee, known as "Suspender Jack" McGee, proposed that they all unite on Oscar S. Straus. Straus from the chair attempted to prevent a stampede, but

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<sup>12</sup>New York *Times*, September 2, 7, 1912; Statement of Mr. Prendergast to the writer.

the crowd took up the suggestion and with a burst of enthusiasm, singing "Onward, Christian Soldiers," made him the candidate.<sup>13</sup>

Roosevelt's secession left the conservatives in undisputed control of the Republican State convention, held in Saratoga on September 25. William D. Guthrie was temporary and Edgar T. Brackett permanent chairman. Josiah T. Newcomb attempted to secure more radical declarations with regard to workmen's compensation and primary reform than the platform committee had reported, and also to commit the party to the direct election of United States Senators, but was overwhelmingly defeated. The platform approved Taft's administration, reaffirmed the conservative principles promulgated in the spring, arraigned Dix with great severity, apparently under the impression that his administration could be made the chief issue in the State, proposed State inspection of city police forces, favored a Constitutional convention as the proper method of meeting progressive demands for social betterment in orderly fashion, and advocated a referendum on woman suffrage. The universal respect felt for Straus prompted some suggestions that the Republicans should nominate him and so insure Democratic defeat in the State, but after Straus had announced that he was ready to accept any indorsement that included

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<sup>13</sup>The ticket was: Governor, Oscar S. Straus, New York; Lieutenant-Governor, Frederick M. Davenport, Oneida; Secretary of State, Homer D. Call, Onondaga; Comptroller, Horatio C. King, Kings; Attorney-General, John Palmieri, Kings; Treasurer, Ernest Cawcroft, Chautauqua; State Engineer, Ora Miner Leland, Tompkins; Judges of the Court of Appeals, Carlos C. Alden, Erie, and George W. Kirchwey, New York.

the acceptance of his platform as well as himself, it was clear that there could be no union of forces committed to such divergent doctrines as government under a written Constitution and the setting aside of constitutional law by popular vote wherever in any particular case it chanced to run counter to popular opinion or prejudice.<sup>14</sup> The Republicans therefore abandoned all thought of union on Straus.

The two leading candidates for Governor were ex-Speaker Wadsworth and Job E. Hedges. Wadsworth was the tried champion of the organization and enjoyed the favor of Barnes, but Barnes in this convention kept much in the background and the opinion of the delegates was left to manifest itself free from control. Hedges's strength was based on his personal popularity, gained through years of campaign speaking. His gift of sardonic humor never failed to delight an audience, though the public, which finds it hard to take a humorist seriously, was often led to think of him as a jester and disregard unduly his real abilities and serious purposes. Hedges was not favored by the majority of the organization leaders, but had made a personal campaign through the State and entered the convention with the largest single following, based chiefly on the favor of individual delegates. On the night before the nomination a concentration on Charles S. Whitman seemed possible, but it was prevented by objections that this would drag into politics the pending prosecution of Police Lieutenant Charles Becker and others for the murder of the informing gambler, Her-

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<sup>14</sup>New York *Tribune*, September 24, 1912.

man Rosenthal.<sup>15</sup> The first ballot was: Hedges, 360; Wadsworth, 268; William S. Bennet, 140; William H. Daniels, 62; Harvey D. Hinman, 49; Edgar T. Brackett, 46; Patrick W. Cullinan, 27; Egbert E. Woodbury, 34; Charles S. Whitman, 17; Charles A. Schieren, 7. The second ballot stood: Hedges, 384; Wadsworth, 290; Bennet, 88; Daniels, 61; Hinman, 55; Brackett, 50; Woodbury, 21; F. S. Witherbee, 6. On the third ballot Bennet threw his vote to Hedges and started a break that resulted in his unanimous nomination. Wadsworth gracefully acceded to the demand that he take second place. In the hope of getting a fusion ticket with the Democrats for the two vacancies in the Court of Appeals, the Republicans made only one nomination, that of Frank H. Hiscock, and empowered a committee to make the second. As the Democrats declined this invitation the committee afterward nominated Emory A. Chase of Catskill.<sup>16</sup>

Governor Dix desired a renomination and eagerly proclaimed himself a progressive, in harmony with the popular drift. But he failed to carry conviction with Democrats who distrusted Tammany and who were convinced that after the Republican and Progressive exhibitions of unbossed nominations the Democracy must also "let the people rule" in its convention. The

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<sup>15</sup>New York *Tribune*, September 25, 1912.

<sup>16</sup>The ticket was: Governor, Job E. Hedges, New York; Lieutenant-Governor, James W. Wadsworth, Jr., Livingston; Secretary of State, Francis M. Hugo, Jefferson; Comptroller, William D. Cunningham, Ulster; Treasurer, William Archer, Westchester; Attorney-General, Meier Steinbrink, Kings; State Engineer, Frank M. Williams, Orange; Judges of the Court of Appeals, Frank H. Hiscock, Onondaga, and Emory A. Chase, Greene.



New York *World* announced that it would not support any candidate for Governor who stood for Murphy and that it would consider Dix such a candidate.<sup>17</sup> Wilson used his influence discreetly, but none the less effectively, against Dix, and, at a meeting in Syracuse on September 12, pointedly rebuffed efforts to draw him into conference with Dix and to parade him and photograph him with Murphy.<sup>18</sup>

Just before the meeting of the State convention, in Syracuse on October 1, Wilson issued a statement demanding a "free and unbossed" convention in New York, and saying: "I believe it is ready to choose a progressive man of a kind to be his own master and to adopt a platform to which men of progressive principles everywhere can heartily subscribe, if only it be left free from personal control of any sort."<sup>19</sup>

Murphy was favorably disposed to Dix and had the votes to control the convention, but, as a correspondent of the New York *Times* put it: "A political boss if careful enough is perfectly capable of conducting an apparently unbossed convention"<sup>20</sup>; and that, according to this correspondent, is what Murphy did. Daniel F. Cohalan urged him to stand by Dix, arguing that he could be elected with the divided opposition and would thus add to Murphy's prestige. The Tammany leader sounded the county chairmen for evidence of a favorable disposition toward Dix, but found little encouragement, for 42 out of 47 county chairmen in a meeting

<sup>17</sup>Heaton, *The Story of a Page*, p. 349.

<sup>18</sup>New York *Times*, September 13, 1912.

<sup>19</sup>New York *Times*, September 30, 1912.

<sup>20</sup>New York *Times*, October 2, 1912.

declared against the Governor's renomination. So Murphy determined to keep his hands off rather than antagonize Wilson, for whose views O'Gorman was prepared if necessary to make a fight.<sup>21</sup> Martin H. Glynn was temporary and Alton B. Parker permanent chairman of the convention. Frank H. Mott made a minority report attacking Parker for being out of harmony with Wilson and Bryan, and was supported by Mayor John K. Sague of Poughkeepsie. Parker hotly defended himself, declaring: "I am a Progressive Democrat." The platform attacked the Republican tariff and especially Taft's vetoes of Democratic revision of some schedules, enthusiastically praised Dix, declaring that the promises of the Rochester platform of two years before had been redeemed, and claimed credit for amendments to the labor law and for initiating the constitutional amendment for workmen's compensation and for submitting the Woman Suffrage amendment. Thomas Mott Osborne attacked the platform, declaring that the Rochester promises had not been redeemed and taunting the convention with its praise of Dix. "If the indorsement," he said, "represents the sense of this convention, why is Governor Dix to be thrown overboard?" Wagner took the floor to defend Murphy, denounced Osborne as a "sorehead," and provoked the latter to shout "Liar!" which threatened to plunge the convention into disorder. But Murphy restrained his friends with orders to "cut out the rough stuff."<sup>22</sup>

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<sup>21</sup>New York *Times*, October 1, 1912.

<sup>22</sup>New York *Tribune*, October 3, 1912.



JAMES WATSON GERARD

James Watson Gerard, lawyer and diplomat; born, Geneseo, N. Y., 1867; graduated from Columbia university, 1890; New York law school, 1892; admitted to the bar in 1892 and began practicing in New York City; chairman of the democratic campaign committee of New York county for four years; elected associate justice of the supreme court of New York, 1st district, for the term running from 1908 to 1921 but resigned in July, 1913 upon being appointed by President Wilson as ambassador extraordinary and minister plenipotentiary to Germany; recalled upon breaking off of diplomatic relations on February 3, 1917; retired from diplomatic service July 17, 1917; democratic nominee for United States senate while absent at Berlin, 1914.





Though it was well understood that Dix was to be set aside, he led on the first ballot, which stood: Dix, 147; Sulzer, 126; Glynn, 46; George H. Burd, 28; F. B. Harrison, 21; H. A. Metz, 17; William Sohmer, 1. The Tammany vote was widely scattered. Murphy ostentatiously "took off the bridle himself and turned the delegates loose"<sup>23</sup> by asking to be excused from voting. But the most conspicuous of his old lieutenants voted for Dix. The second ballot showed no material change. On the third ballot Sulzer took the lead, the vote being: Dix, 87; Sulzer, 195; Glynn, 45; Burd, 9; Harrison, 21; Metz, 26; Wagner, 3; O'Gorman, 1; Victor J. Dowling, 4; W. B. Ellison, J. W. Gerard, G. W. Batten, 1 each. At the beginning of the fourth ballot Murphy suggested to his followers that they take their cue from Albany and, when Dix's name was withdrawn and Albany threw its vote for Sulzer, the end came. The only objection to making the nomination unanimous was that of three delegates from Cayuga, led by Osborne. Murphy kept in his own hands the two most important offices for the control of the State's business administration by nominating Sohmer for Comptroller and Bensel for State Engineer.<sup>24</sup>

Sulzer's candidacy was received with mixed feelings by the reformers in the party. He had been in general

<sup>23</sup>New York *Times*, October 4, 1912.

<sup>24</sup>The ticket was: Governor, William Sulzer, New York; Lieutenant-Governor, Martin H. Glynn, Albany; Secretary of State, Mitchell May, Kings; Comptroller, William Sohmer, New York; Treasurer, John J. Kennedy, Erie; Attorney-General, Thomas Carmody, Yates; State Engineer, John A. Bensel, New York; Judges of Court of Appeals, William H. Cuddeback, Erie, and John W. Hogan, Onondaga.

a faithful Tammany man, and from that point of view was objectionable to those who sought the overthrow of Murphy. But he so far controlled his own district that he had been able to defy Tammany and secure an election to Congress even when the organization was hostile to him. He had, moreover, never been able, despite his early obedience as Speaker, to get Tammany to back him in his repeated candidacies for Governor. This failure was attributed less to Tammany's distrust of his loyalty than to its not taking him seriously. He was unstable, erratic in speech and manner, and vainly proud of a fancied resemblance to Clay that made him the object of frequent newspaper ridicule as "Henry Clay Sulzer." In Congress, however, he had worked effectively for industrial and social reforms and he had a strong hold on the radical and labor vote.

While the bitterness between Republicans and the Progressives led them in their national campaign to devote themselves largely to warring with each other to the neglect of the Democrats, in the State the Republicans avoided all attacks upon Straus and concentrated their fight upon Tammany and the Dix administration. As the campaign drew to a close it became clear that Roosevelt's hopes of invading the southern States or making serious inroads on the Democrats anywhere were vain. But it also became clear that he had split the Republican party pretty nearly in halves. The optimism of both Taft and Hedges was equal to all demands upon it. But nothing less than an overwhelming Democratic victory could be expected, and the most serious task of the Republicans in New York was to

hold their party in second place. This they succeeded in doing when in more than one habitually Republican State the party was temporarily relegated to the company of the minor organizations. Taft received only 8 Electoral votes, those of Vermont and Utah, Roosevelt received 88, those of Michigan, Minnesota, Pennsylvania, South Dakota, Washington, and 11 from California. Wilson received the other 435. The popular vote, however, showed no such overwhelming sentiment for Wilson. He received 6,286,214 votes, or 122,892 fewer than were given to Bryan in 1908. Taft received 3,483,922 and Roosevelt 4,126,120, a combined vote smaller by 68,964 than that given to Taft in 1908. Despite Roosevelt's appeal to radicalism, which might have been expected to cut down the Socialist strength, the vote for Debs showed the astonishing increase in four years from 420,820 to 897,071. Vice-President Sherman died on October 30, and the Republican Electors gave their complimentary vote to Nicholas Murray Butler.

The vote of New York for President was: Wilson, 655,573; Taft, 455,487; Roosevelt, 390,093; Debs (Socialist), 63,434; Chafin (Prohibitionist), 19,455; Reimer (Socialist Labor), 4,273. Wilson's vote was about 12,000 smaller than that given to Bryan in 1908, while the Debs vote nearly doubled. Sulzer carried the State by 205,454 over Hedges. The vote was: Sulzer, 649,559; Hedges, 444,105; Straus, 393,183; Charles E. Russell (Socialist), 56,917; T. A. MacNicholl (Prohibitionist), 18,990; John Hall (Socialist Labor), 4,461. The rest of the Democratic

State ticket and the judiciary ticket were elected by pluralities ranging from 171,109 to 215,223. The Democrats elected 31 Congressmen, the Republicans 11, and the Progressives 1. The Senate stood: Democrats, 33; Republicans, 17; Republican-Progressive, 1. The Assembly stood: Democrats, 103; Republicans, 43; Progressives, 4. Alfred E. Smith of New York was elected Speaker.



## CHAPTER XIV

### THE TRAGEDY OF SULZER

1913-1914

IF MURPHY believed he could maintain with Sulzer such comparatively comfortable relations as he had held with Dix, he did not have to wait until inauguration to learn his mistake. Sulzer took himself seriously as Governor, considered that he was chosen by the people to be the party leader, and at once began to take active interest in patronage and administration. According to his own story, Sulzer's first difference with Murphy came in December, 1912,<sup>1</sup> when the Tammany leader rebuked him for "butting in" with regard to some contracts to be let by a State department. Sulzer replied that he was going to be Governor, and Murphy retorted, "Like hell you are."

In his first message the Governor urged reform and economy, the substitution of a single Highway Commissioner for Dix's mixed board, popular election of United States Senators, and an ambitious program of social legislation. Despite Democratic protests, he appointed a commission headed by John N. Carlisle to investigate the administrative departments in search of any abuses that they might have sheltered under

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<sup>1</sup>New York *Evening Mail*, October 20, 21, 1913.

Dix. The position of Executive Auditor was created for the purpose of giving to John A. Hennessy, a New York newspaperman, whom he wished to have associated with him in his administration, the right of entry and examination into every department of the State government. He appointed Hennessy and made George W. Blake, another journalist, examiner to inquire into the conduct of State prisons. When asked if he had Murphy's consent to his investigations he answered: "I am the Democratic leader of the State of New York. The people decreed it at the polls and I stand on the verdict. I cannot succeed in doing what I want to do as Governor unless I am the leader. If any Democrat wants to challenge that, let him come out in the open and the people will decide."<sup>2</sup>

Murphy did not at first come out in the open, but he took good care to hold the Governor in check. His hold on the Legislature was firm. Alfred E. Smith, the Speaker, and Robert F. Wagner, the President *pro tem.* of the Senate, were both faithful Tammany men. Sulzer could look for no help from Republicans, who were led in the Senate by Elon R. Brown and in the Assembly by Harold J. Hinman, a lieutenant of Barnes. Neither had any disposition to encourage insurgency against traditional political organization. The only obstacle that Murphy met in organizing his forces was the refusal of Lieutenant-Governor Glynn to appoint Stephen J. Stilwell chairman of the Senate judiciary

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<sup>2</sup>New York Times, January 3, 1913.

committee.<sup>3</sup> Soon after, charges of bribery were made against Stilwell, and though Tammany rallied to his support and prevented his expulsion he was convicted on a criminal charge in May and sent to State prison.

Sulzer, though trying to follow an independent program in legislation and to carry on investigations into departmental corruption, sought to conciliate Tammany with liberal patronage and was reproached in many quarters for following in the pathway of Dix. He wanted to appoint Henry Morgenthau chairman of the Public Service commission in the First district, but Murphy wanted his friend, John Galvin, and in the Second district favored George M. Palmer for chairman and Patrick E. McCabe for associate. Sulzer finally compromised on Edward E. McCall, Supreme Court Justice, in place of Morgenthau, but refused to appoint either Palmer or McCabe. Despite Murphy's objections, he displaced C. Gordon Reel, Highway Commissioner; Joseph F. Scott, Superintendent of Prisons, and H. W. Hoefer, State Architect, as a result of the findings made by his agents. He charged that Murphy insisted on the appointment of James E. Gaffney, a Tammany contractor and business associate of Murphy, if he was determined to remove Reel, and that he was repeatedly threatened: "It will be Gaffney or war."<sup>4</sup> Murphy denied that he asked for Gaffney's appointment.<sup>5</sup> Murphy also refused to accept the Governor's plan for a sweeping Direct Nominations

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<sup>3</sup>New York Times, January 3, 1913.

<sup>4</sup>Jay W. Forrest and James Malcolm, *Tammany's Treason: Impeachment of Governor William Sulzer*, p. 59 et seq.

<sup>5</sup>New York Times, March 13, 1913.

law, which abolished the State convention. The Legislature did, however, pass a Full Crew law for railroad trains, which the Governor signed, and an act reorganizing the Highway department with a single head. Before the middle of March relations were so strained that Murphy refused to attend a birthday dinner in Sulzer's honor, at which Henry Morgenthau told the Governor it was time for him to have his "wishbone converted into a backbone," for he would need it, and said: "We look to you to be Governor of the Empire State and not to be the agent of undisclosed principals who hide themselves from public view."<sup>6</sup> Nevertheless, Sulzer and Murphy continued to have meetings, largely through the instrumentality of McCall, in the endeavor to reach an understanding, until April 13, when they had a final interview at Murphy's house—according to Murphy by the Governor's seeking, and according to the Governor through the urgency of Norman E. Mack. There they came to a definite break. Sulzer warned the Tammany leader that he would wreck the party if he persisted in shielding grafters and in violating platform pledges, and Murphy retorted that Sulzer was an ingrate, whom he would disgrace and destroy. Sulzer, after thinking over his helplessness to accomplish anything, wrote out his resignation, but later determined to stand to his guns.<sup>7</sup>

If he at all understood the weapons for personal attack at Murphy's command, fear for himself did not turn him from his course. From that time he took an

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<sup>6</sup>New York Times, March 20, 1913.

<sup>7</sup>Forrest and Malcolm, *Tammany's Treason*, p. 71 et seq.



aggressive stand and sought no compromise with his enemies. The Legislature refused to pass his Primary bill, but instead twice sent him the Blauvelt bill, a measure retaining the State convention, which the Governor vetoed, declaring it to be a betrayal of the people. He also vetoed a bill for a special election, to be held on June 3, on the question of calling a Constitutional convention. As soon as the Legislature adjourned on May 3 the Governor started his campaign for direct nominations. Greatly to his disappointment, Glynn, who had been urging him on in the matter, refused to take a place on the committee organized to promote direct nominations. Sulzer made speeches in the principal cities of the State and called the Legislature in special session on June 16 to put through the measure.

Meanwhile his foes attacked his character. They brought forward a story of unprofessional conduct as a lawyer years before in Vermont, and then sought to discredit him through a breach of promise suit, but to no avail. Then Murphy used the special session to delve into the Governor's campaign expenses, a subject which he had apparently from the first held in reserve, fortified as he was with complete knowledge of the campaign management gathered by his agent, who had been in Sulzer's confidence. He proceeded by increasing the power of the Frawley committee, which had been created at the regular session to investigate the State institutions. The Constitution forbade the special session to deal with any subject not recommended by the Governor. Taking advantage of Sulzer's recommendation of amendment to the Corrupt Practices act,

Senator George F. Thompson, a Republican, on June 25 moved that "the whole subject of any wrongful or unlawful influence," and of receipts and expenditures of candidates for offices filled by the electors of the whole State, be referred to the Frawley committee. This was held to arm the committee with the power to go into the Governor's receipts and expenditures, although Sulzer disputed it and tried to prevent the committee from getting some of the evidence that was afterward used against him. But the Attorney-General held that the committee was acting within its powers.

Meanwhile Murphy and his friends were subjected to heavy fire. Hennessy and Blake revealed widespread abuses. Sulzer declared: "Their reports staggered me, and believe me, it takes something to stagger me. There was graft, graft everywhere, nor any man to stop it."<sup>8</sup> Stilwell was convicted of bribery and Justice Daniel F. Cohalan, one of Murphy's friends and advisers, was put on trial before the Legislature on charges brought by John A. Connolly, who testified that Cohalan, before he was a Judge, demanded 55 per cent. of the profits of contracts obtained from the city for Connolly, that Cohalan received \$3,940 for his influence, and that Cohalan had afterward repaid this to him when he and his friends complained to Murphy. Subsequently, he swore, he sought Cohalan's aid to get a public office and gave Cohalan his note for \$4,000 for his influence. Cohalan's defense was that he submitted to blackmail when he returned the \$3,940, which he had received legitimately, and that the note was

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<sup>8</sup>Myers, *History of Tammany Hall*, p. 369.

made by Connolly when he sought to resume friendly relations to repay what was honestly due. Cohalan refused to appear before the grievance committee of the Bar Association, but took the case to the Legislature, where the Senate exonerated him, 31 to 8, and the Assembly 112 to 18.<sup>9</sup> These annoyances did not change Murphy's plans.

The Legislature again voted down Sulzer's Primary bill, in the Assembly by a vote of 52 to 92 and in the Senate by 10 to 38, in each case a slightly smaller adverse majority than had been given at the regular session. It neglected the Governor's other recommendations and marked time while the Frawley committee secured testimony to show that Sulzer had made affidavit to the Secretary of State that he had received campaign contributions aggregating \$6,540 from 68 persons, though he had received \$12,405.93 from 94 persons. It also showed that part of this money, instead of being expended for campaign purposes, had been turned into Sulzer's private account and had been used for the purchase of stocks. Sulzer explained that he had been away campaigning when the moneys came in, that they had been disposed of without his personal knowledge, and that he signed his expense statement on the assurance of his assistants that it was as accurate as it could be made. He also stated that some of the money was given to him to be used as he saw fit by persons who knew he was in debt. In a later defense he also charged that Murphy had urged upon him large sums of money to pay his debts and living expenses, which

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<sup>9</sup>Myers, *History of Tammany Hall*, p. 373.

he had refused, and he sought to show that from the first Murphy had tried through spies or by gifts to secure a hold upon him by which he could be forced to subserviency.<sup>10</sup> The committee, in its report on August 11, pointed out that in at least one case, that of Abram I. Elkus, Sulzer personally indorsed a check and acknowledged the letter of Elkus transmitting it as a campaign contribution. This report also charged that the Governor had sought to punish legislators who opposed him by vetoing their bills. The same day Assemblyman Aaron J. Levy introduced a resolution of impeachment, and, despite pleas for more deliberation, would permit delay only until the next morning.

Lack of Tammany votes necessary to pass the resolution prevented the Assembly being called to order until late on August 12, and shortly after five o'clock the next morning the impeachment was carried by a vote of 79 to 45, three more than necessary. The impeachment comprised eight articles. The first charged Sulzer with making and filing with the Secretary of State a false statement of his campaign accounts; the second charged perjury in verifying this statement; the third, bribery of witnesses before the Senate committee; the fourth, suppression of evidence by threats; the fifth, preventing a witness from testifying; the sixth, larceny in using campaign contributions for personal uses; the seventh, threatening to use the power and influence of his office to influence the action of other public officials and threatening to veto bills unless Assemblymen interested in them supported legislation

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<sup>10</sup>Forrest and Malcolm, *Tammany's Treason*, pp. 41, 194.



avored by him; the eighth, corruptly using his influence to affect current prices of securities by urging legislation relating to the New York Stock Exchange and then attempting to withdraw the subject from the consideration of the Legislature, while concealing his interests in exchange transactions by subterfuge. Seven Republicans voted with the 72 Democrats in favor of impeachment; 26 Democrats, 16 Republicans, and 3 Progressives voted against it.

Sulzer disputed the right of the Assembly to impeach him at an extra session, and for some weeks refused to surrender the Executive authority to Glynn. The Lieutenant-Governor rejected his suggestion that they submit the question to the courts, and Sulzer continued to issue orders as Governor from the Executive chamber while in the Lieutenant-Governor's rooms Glynn performed Executive acts, which were recognized by other officials, until the meeting of the Court of Impeachment on September 18. Then Glynn was acknowledged as Acting-Governor and Sulzer retired to the Executive mansion, which he called the "People's House," where no attempt was made to disturb him. He gathered a strong array of counsel: D-Cady Herick, Irving G. Vann, Harvey D. Hinman, Austen G. Fox, Louis Marshall, Roger P. Clark, Elihu Root, Jr., and James G. Gordon. Counsel for the managers were: Alton B. Parker, John B. Stanchfield, Edgar T. Brackett, Eugene Lamb Richards, Hiram C. Todd, Isidor J. Kresel, and Henderson Peck. Chief-Judge Cullen presided over the Court of Impeachment. In the court were present 48 Senators—31 Democrats and

17 Republicans,—and 9 Judges of the Court of Appeals, five of whom were Democrats. Judge Gray being absent in Europe had no part in the trial. Ex-Judge Herrick objected to the eligibility of Senators who sat in the Frawley committee seeking evidence against the Governor. He also objected to Senator Wagner sitting in judgment, on the ground that, as a prospective successor to Glynn in case of conviction, he was personally interested in the result of the trial. Both objections were overruled. The court also, by a vote of 50 to 1, decided in favor of the power of impeachment at an extra session. The prosecution proved beyond serious dispute all the main facts relating to the falsification of the accounts and the use of campaign contributions for personal use. Moreover, it showed that Sulzer had attempted to persuade Duncan W. Peck, State Superintendent of Public Works, to conceal his contribution, and had, when asked by Peck what he should do if called before the Frawley committee, said: "Do as I shall; deny it." No specification of the impeachment, however, covered this testimony, and it was only by construction that it was held to fall under Article IV.

Sulzer was expected to take the stand and answer his enemies, and his friends said he wanted to do so but was prevented by Herrick.<sup>11</sup> Indeed, he probably would have taken the witness stand and denied everything had it not been for the appearance of Allan Ryan, son of Thomas F. Ryan, who was called as a witness on the trial and testified that he had been appealed to by Sulzer to save him. The result was an unrelieved pic-

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<sup>11</sup>Forrest and Malcolm, *Tammany's Treason*, p. 163.

ture of petty dishonesty and futile intrigue, and the defense was driven to reliance on legal technicalities.

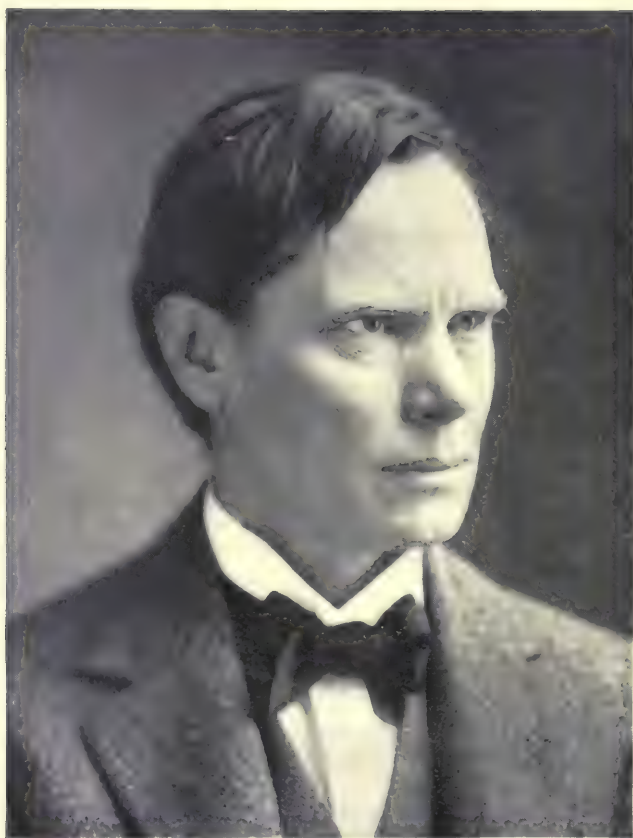
Sulzer's case was perhaps presented in its best light—more convincingly than in the pleas of counsel—in the opinion of Chief-Judge Cullen, the one member of the Court of Appeals who on all counts voted against conviction. The president of the court, whose sterling integrity and benign impartiality commanded universal respect, said of Sulzer's acts: "They displayed such moral turpitude and delinquency that, if they had been committed during the respondent's incumbency of office, I think they would require his removal." But he held that the power of impeachment did not extend to acts committed before Sulzer took office, and that the false oath to the account was not perjury, as it was extrajudicial because the election law did not require a verified statement and the penal law requirement of a verified statement did not call for an accounting of contributions received by a candidate. So, though Sulzer's moral guilt remained the same, his oath did not concern anything that he was obliged by law to verify. Judge Cullen held that the conversion of campaign money was not larceny. He also held with regard to the Peck incident that it was not charged in the impeachment as a substantive offense and the court was without power to amend the impeachment articles. There was no evidence of any threat to remove Peck, and the transaction, whatever its nature, was not properly covered by the fourth article. Judge Cullen stated: "The point here urged may be criticised as technical, but if so I hope that technicality will always be respected to the



extent of preventing the trial of a man for one offense and convicting him of another." On the other hand, Judge Hiscock, a Republican, although he dismissed the Peck charge, held that the fair and reasonable interpretation of the Constitution did not arbitrarily prohibit the impeachment of an official for an act performed before entering into his office, and that Sulzer's conduct between his election and inauguration with respect to campaign contributions had such a relation to his office, his official tenure, and the discharge of his official duties that it reasonably came within the spirit of the Constitution.

On the first count Judges Collin, Cuddeback, and Hogan, Democrats, and Hiscock and Miller, Republicans, were for conviction, while Judges Cullen and Bartlett, Democrats, and Chase and Werner, Republicans, were for acquittal. Twenty-three Democratic and 11 Republican Senators were for conviction, and 8 Democratic and 6 Republican Senators for acquittal. On the second count, charging perjury, the Governor was found guilty by the same vote. The fourth count, inducing witness to withhold true testimony from the Frawley committee, rested chiefly on two incidents. Henry Morgenthau testified that he had contributed \$1,000 to the Governor without specifying its particular purpose, and that Sulzer had called him on the telephone and asked him to be as easy as he could on him if called as a witness. Duncan W. Peck testified that Sulzer had told him to deny his contribution, and that when he replied: "But I suppose I will be under oath," the Governor answered: "That's nothing, forget





WILLIAM SULZER

William Sulzer, 42nd governor Jan. 1—Oct. 17, 1913; born Elizabeth, N. J. March 18, 1863; educated public schools and Columbia law school; admitted to the bar 1884 and since in practice; member New York state assembly, 1890-1894; speaker 1893, minority leader, 1894; member of congress, 1895-1913; elected governor of New York November 5, 1912; impeached as governor and removed from office, October 17, 1913; member of assembly 1914 as independent; nominated 1916 by American party for president but declined.





MARTIN HENRY GLYNN

Martin Henry Glynn, 43rd governor (1913-14); born Kinderhook, N. Y., September 27, 1871; representative in congress, 1899-1900; state comptroller 1906-1908; elected lieutenant governor, 1912; became governor, October 17, 1913 upon the impeachment and removal of William Sulzer; democratic candidate for governor, 1914; defeated by Charles Seymour Whitman; publisher of Albany *Times Union*.





it." On this charge the Governor was convicted, 43 to 14. Two Judges, Hiscock and Miller, who found him guilty on the first two charges, voted "not guilty" on this, but Werner, Chase, and Bartlett, together with three Senators, changed to the other side. The court unanimously dismissed all the other charges. By a vote of 43 to 12 it removed Sulzer from the Executive office, but unanimously refused to disqualify him from holding office in the future.<sup>12</sup>

So Murphy's threat to punish Sulzer's disobedience was fulfilled. With the facts before it, even a friendly court could hardly have failed to condemn him on the merits, and this court was not friendly. The Judges of the Court of Appeals were divided on the technical legal aspects of the case, the most grave of which was the doubtful and difficult question of impeachment for acts not committed in office, though related to his position as Governor. Yet none of them questioned the seriousness of his delinquency. While there existed among Murphy's critics a feeling that Sulzer had in fact been punished not for his vices but for his virtues, nevertheless he had so discredited himself that his removal was approved by most thoughtful men.

Sulzer himself declared: "The three things that led up to my removal were my fight for honest primaries, the graft investigations, and, not the least by any means, my signing of the Full Crew bill, which gave me the enmity of the great railroad corporations."<sup>13</sup> Whatever

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<sup>12</sup>For a detailed account of the trial see *Proceedings of the Court for the Trial of Impeachments*, 2 vols., Albany, 1913.

<sup>13</sup>Forrest and Malcolm, *Tammany's Treason*, p. 183.

may have been the influence of the Full Crew bill, which Murphy himself put through the Legislature, without doubt Sulzer's investigations and disobedience to orders were the cause of his downfall. He was a dreamer, erratic and egotistical, inspired by a desire to serve the public, but also by an overwhelming ambition for leadership and distinction. He had studied the examples of Roosevelt and Hughes as champions of moral issues, and he sought to follow in their footsteps, but he had neither the ability, equipment, nor character for such a part. He failed to realize that the Galahad of politics must be beyond reproach. With incredible levity for one dreaming of the high mission that he had set for himself, he gave hostages to his enemies and put himself in their power by acts that any circumspect politician would have avoided from policy if not from principle.

On his return to New York, Sulzer was received as a martyr by enthusiastic crowds in his old constituency. The Progressive candidate for the Assembly in his district retired to make way for him, and he was triumphantly elected, receiving more votes than the Republican candidate and the Democratic Assemblyman who had voted for his impeachment. The party alignment of the Assembly of 1914 was: Republicans, 79; Democrats, 48; Progressives, 19; Independent-Democrats, 2; Independent, 1; Progressive-Democrat, 1. The only offices to be filled by the general electorate were a Chief-Judge and Associate-Judge of the Court of Appeals. The Republicans nominated William E. Werner and Frank H. Hiscock. The Democrats named

Willard Bartlett and Abram I. Elkus. The Progressives nominated Learned Hand and Samuel Seabury. Werner, who had written an opinion declaring in sweeping terms the Workmens' Compensation act unconstitutional, was especially attacked by the Progressives. The Independence League indorsed Bartlett and Hiscock. As a consequence Bartlett was chosen Chief-Judge by 3,018 plurality in a contest that was not determined until the official count, although Hiscock was elected associate by 71,167 plurality.

The revulsion of public sentiment against the Democracy as dominated by Murphy not only reversed the complexion of the Legislature but drove Tammany from power in New York City. Early in the summer it was clear that Tammany would not renominate Mayor Gaynor. His friends formed an organization that planned to run him as an independent candidate, but early in September he sailed to Europe for a vacation; he died suddenly at sea on September 10. For Mayor, Murphy picked Edward E. McCall, who had a few months before left the Supreme Court bench for the Public Service commission and who, Sulzer charged, had been instrumental in trying to force him into harmony with Murphy's plans. The task of bringing the Republicans and Independents together for a fusion campaign was entrusted to a Committee of Seventy. The leading candidates were: Charles S. Whitman, whose work as District Attorney in prosecuting Charles Becker, the police lieutenant, and his tools, for the murder of Herman Rosenthal, a gambler who threatened to reveal police blackmail, gave him great



prominence; George McAneny, whose enlightened administration of the Borough Presidency of Manhattan made him the favorite of students of scientific city management, and John Purroy Mitchel, who had recently been transferred from the Presidency of the Board of Aldermen to the Collectorship of the Port of New York by President Wilson and who enjoyed the favor of Hearst because he had opposed the dual subway system. The choice of the Committee of Seventy finally settled on Mitchel, with McAneny for President of the Board of Aldermen and William A. Prendergast for Comptroller to succeed himself. Whitman was renominated for District Attorney by both the Fusionists and Tammany. The Sulzer issue was prominent in the campaign that followed, especially through the speeches and articles of John A. Hennessy, who made telling use of his investigations of corruption and generally bad conditions in the State government as administered by Murphy's friends. Mitchel was elected by 124,262 plurality. Prendergast and McAneny, who were opposed to Hearst, received pluralities of 44,994 and 72,111, respectively.

Four constitutional amendments were submitted to the people and were ratified by large majorities. The first, known as the Excess Condemnation amendment, permitting the taking for public use of more property than is needed for a particular improvement and allowing its lease or resale, was carried by 154,561, though it had been defeated in 1911. The second, removing the constitutional obstacles to sweeping Workmen's Compensation laws, had 316,417 majority. The third,



creating two new County Judges in Kings county, though voted down in 1911, had 134,432 majority. The fourth, permitting the setting aside of land in the Forest Preserve for reservoirs to prevent floods in the Hudson valley and to furnish power, was adopted by 298,974 majority.

The reason for the Democratic defeat was not lost on Governor Glynn, who called the Legislature in special session on December 8, and the same men who had contemptuously thrown out Sulzer's suggestions passed unanimously an act abolishing State conventions and establishing direct nominations for local, State, and judicial offices. They also passed a Ballot law based on the Massachusetts plan, ratified the constitutional amendment for the direct election of United States Senators, voted to submit to the people in 1914 the question of holding a Constitutional convention, and provided that, if this was ordered, the delegates should be chosen at the general election in 1914 and meet in April, 1915.

The Republican recovery of the Assembly led to a sharp contest between the progressive elements in the party and the supporters of the Barnes leadership. The Barnes candidate for Speaker was Harold J. Hinman of Albany. Clinton T. Horton of Erie was the favorite of the Progressive Republicans, and Thaddeus C. Sweet of Oswego had a considerable following among organization Republicans. A. W. Hoff of Kings was put forward by his own delegation. On the first ballot in the caucus of January 6, Hinman had 26, Sweet 14, Hoff 14, Horton 13, Alexander MacDonald of

Franklin 8, John Leo Sullivan of Chautauqua 1, and Morell E. Tallett of Madison 1. On the twentieth ballot, after MacDonald and Hinman had retired in favor of Sweet, he was nominated, receiving 47 votes to 16 for Hoff, 8 for Horton, 2 for Tallett, and 2 for Sullivan. The Democrats nominated Alfred E. Smith and the Progressives Michael Schaap of New York. Hinman became the Republican floor leader, and the Republicans by a vote of 83 to 63 defeated the Democratic and Progressive plan to take from the Speaker the naming of the committees, but the organization consented to a liberalization of the rules.<sup>14</sup>

Graft revelations continued to keep before the public the picture that Sulzer had painted of his predecessor's rule. District Attorney Whitman undertook a grand jury investigation into Highway department frauds, but was hampered by his inability to proceed in rural counties. The Governor would not designate him as a Deputy-Attorney-General to overcome this difficulty, nor would the Senate agree to an appropriation for a thorough investigation. Nevertheless, enough was discovered to lead to a large number of indictments and some convictions of inconspicuous persons, but all attempts to reach "higher up" failed. State Engineer Bensel was subjected to persistent attack, but cleared himself of complicity in the frauds. State Treasurer Kennedy committed suicide on February 15, after having vainly sought to avoid the witness stand. His own accounts were found to be correct, but he was

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<sup>14</sup>New York *World*, January 8, 1914.

apparently unnerved at the prospect of being hectored about the transactions that had gone on under his eyes. Governor Glynn sought to enforce economies upon the administration and to rescue the departments from the demoralization into which they had fallen. Political differences between the two houses made partisan legislation impossible, but a considerable number of non-political measures were passed, including a Workmen's Compensation law. Over the protests of William Church Osborn, the Democratic State chairman, Glynn appointed Patrick E. McCabe Conservation Commissioner.<sup>15</sup> This was an expression of the Governor's faith in and loyalty to McCabe, although some of the Tammany leaders doubted its wisdom, as McCabe was considered Murphy's representative in Albany county politics. But this and other appointments confirmed the popular impression that Glynn was in close alliance with Tammany. The regular session ended on March 27 in a deadlock between the two houses over the Supply bill. The Assembly refused appropriations to continue the Department of Efficiency and Economy and work of the Fire Marshal. At an extra session, called for May 4, a compromise was reached that continued these departments in operation until the next February and shaped the general Appropriation bills in substantial accord to the Governor's demands.

On April 7 the people voted by a small majority to hold the proposed Constitutional convention in 1915.

The new Primary law and the constitutional amendments for the popular election of Senators revolution-

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<sup>15</sup>New York Times, March 28, 1914.



ized the outward aspects of politics and gave New York its first experience of nominating State officers and United States Senators at a direct primary. Glynn was a candidate for reelection and had the support of Tammany, which also picked James W. Gerard, Ambassador to Germany, for Senator. William G. McAdoo, Secretary of the Treasury, attempted to construct an independent organization through the candidacy of Franklin D. Roosevelt, Assistant-Secretary of the Navy, for Senator, and John A. Hennessy for Governor.<sup>16</sup> Some independent Democrats urged George McAneny as a candidate who would have a better chance of election than Glynn, but Tammany determined to stand by the Governor. In the primaries of September 28 he won, receiving 175,813 votes and Hennessy 68,346. The vote for Senator was: Gerard, 133,815; Roosevelt, 63,879; J. S. McDonough, 17,862. Samuel Seabury, who had run for the Court of Appeals the year before as a Progressive, was a candidate in the Democratic primary and defeated John N. Carlisle.<sup>17</sup>

The Republican situation was complicated by the desire of the more liberal elements of the party to harmonize with the Progressives. This harmony ex-President Roosevelt sought to promote, despite opposition by his more irreconcilable followers. The would-be

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<sup>16</sup>New York *World*, October 1, 1914.

<sup>17</sup>The ticket was: Governor, Martin H. Glynn, Albany; Lieutenant-Governor, Thomas B. Lockwood, Erie; Secretary of State, Mitchell May, Kings; Comptroller, William Sohmer, New York; Treasurer, Albert C. Carp, Onondaga; Attorney-General, James A. Parsons, Steuben; State Engineer, John A. Bensel, New York; Judge of the Court of Appeals, Samuel Seabury, New York; United States Senator, James W. Gerard, New York.



fusionists among the Republicans put forward Harvey D. Hinman, and Roosevelt, whom District Attorney Whitman had vainly sought to conciliate in personal conference and in a letter to Charles H. Duell, declared for his nomination by the Progressives.<sup>18</sup> But the friends of the other two Republican candidates, Whitman and Hedges, inquired what Hinman would do, if nominated, in relation to his fellow-Republican candidates who might be opposed by the Progressives, and what he would do as a Republican if defeated in a Republican primary but nominated by the Progressives. Hinman could meet this challenge in only one way if he hoped for the votes of strict party men, without which his nomination was impossible. But this answer was sure to dampen the enthusiasm of all Progressives who hoped to keep their party from becoming a mere faction on the road to re-absorption into the Republican party. He was forced to say that he was running as a Republican with the sole purpose of destroying the Barnes control and that he would not oppose Republican candidates. The Ballot law did not permit the retirement of a candidate who had run in the primaries and had been nominated. So, if rejected by the Republicans and accepted by the Progressives, his name would have to remain on the ballot; but he declared he would not make any fight as an exclusively Progressive candidate.<sup>19</sup> This announcement of course cut the ground from under the feet of his friends among the Progres-

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<sup>18</sup>New York Times, August 16, 1914; Letter to Duell, New York Times, July 17, 1914.

<sup>19</sup>New York Times, August 18, 1914.

sives and forced Roosevelt to yield to the advocates of a straight ticket and publicly withdraw his support from Hinman.<sup>20</sup> At the same time it deprived Hinman's candidacy of all the strength it possessed as the possible bridge for union of the Republicans with the Progressives in the campaign.

Hedges made a personal campaign, which gained attention chiefly from his ridicule of Whitman's pretensions to the Governorship on the strength of convicting Becker and his suggestion that the electric chair should in that case be substituted for the eagle as the Republican ballot emblem. He also attacked the Barnes organization for attempting in Whitman's interest to dominate a primary devised to ascertain the untrammelled will of the people. But he could make no headway. Barnes threw the organization vote to Whitman, less because he wanted Whitman, or expected anything from him, than because Whitman had the strongest popular following and because he saw in the election of Whitman, whom of all the candidates Roosevelt most disliked, a blow to his bitterest enemy. Whitman's reputation for fearless prosecutions had gone over the whole State, and the general feeling that he could poll more votes than any other candidate made the organization triumph certain. In the primary he received 120,073, Hinman 61,952, and Hedges 43,012 votes. Barnes was equally successful in pushing James W. Wadsworth, Jr., for Senator. His chief opponent was Congressman William M. Calder of Brooklyn, who carried on an active but at the same time good-natured

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<sup>20</sup>New York Times, August 22, 1914.

campaign with an evident eye to the friendship of Wadsworth's supporters if he were unsuccessful and should wish to try for the other Senate seat two years later. George W. Aldridge, not caring to ally himself with the Barnes-Wadsworth interests, brought forward as a third candidate David Jayne Hill, but his support was little more than complimentary. In the primary Wadsworth received 89,960 votes, Calder 82,895, and Hill 37,102.<sup>21</sup>

Having turned away from Hinman, the Progressive leaders selected Frederick M. Davenport for Governor, but Sulzer entered the field as a candidate for both the Progressive and Prohibition nominations and seriously threatened to run away with the Progressives. Two days before the primaries, Davenport bitterly assailed Sulzer as a political and moral bankrupt.<sup>22</sup> Nevertheless Sulzer polled 14,366 votes in the Progressive primary, to 18,643 for Davenport.<sup>23</sup> Sulzer won the Prohibition nomination and also was on the ballot as the candidate of a so-called American

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<sup>21</sup>The ticket was: Governor, Charles S. Whitman, New York; Lieutenant-Governor, Edward Schoeneck, Onondaga; Secretary of State, Francis M. Hugo, Jefferson; Comptroller, Eugene M. Travis, Kings; Treasurer, James L. Wells, Bronx; Attorney-General, Egbert E. Woodbury, Chautauqua; State Engineer, Frank M. Williams, Orange; Judge of the Court of Appeals, Emory A. Chase, Greene; United States Senator, James W. Wadsworth, Jr., Livingston.

<sup>22</sup>New York Times, September 27, 1914.

<sup>23</sup>The ticket was: Governor, Frederick M. Davenport, Oneida; Lieutenant-Governor, Chauncey J. Hamlin, Erie; Secretary of State, Sidney W. Stern, New York; Comptroller, John B. Burnham, Essex; Treasurer, Homer D. Call, Onondaga; Attorney-General, Robert H. Elder, Kings; State Engineer, Lloyd Collis, New York; Judge of the Court of Appeals, Samuel Seabury, New York; United States Senator, Bainbridge Colby, New York.



party, and in another column by petition without party designation.

The Republicans held a conference or unofficial State convention at Saratoga on August 19, which in its platform attacked the Wilson administration as "incompetent and injurious to the interests of the American people," described its policies as "deliberately sectional" in their hostility to the great industrial communities and particularly to the State of New York, and pronounced the currency legislation and the income tax as intended to injure New York and dictated by "hostile and sectional intent." Turning to State issues, the platform dwelt on highway and other scandals, criticised the Election law, favored the return to State conventions, and declared for the principle of the short ballot. It rejected a suggestion that the Governor be permitted to attend the Legislature and explain his propositions therein. The Democrats on August 27 put forward a platform indorsing Wilson, condemning the recall of Judges, and favoring biennial sessions of the Legislature and the short ballot, with the proviso that the Attorney-General and Comptroller be retained as elective officers.

The Democrats entered the campaign with high hopes, counting on the popularity of President Wilson and the feeling against the Barnes domination of the Republican party. This continued to handicap Whitman, and especially Wadsworth, despite the retirement of Barnes from the State chairmanship. Through Whitman's influence Frederick C. Tanner was chosen chairman over Ogden L. Mills, the favorite of the



Progressive Republicans of the metropolis. The Democrats also hoped for much from the Progressives, as Roosevelt, without any expectation of electing Davenport, gave them material aid by attacking Whitman as a tool of the Barnes machine and criticising his conduct in running the year before for District Attorney on the Tammany ticket and thus depriving himself of the opportunity to take an active part with Mitchel and McAneny in the anti-Tammany fight.<sup>24</sup> But they entirely misread popular opinion. The drift back to the Republican party of the rank and file of the voters who followed Roosevelt in the Progressive revolt was far more rapid than that of their leaders, who still dreamed of perpetuating the Progressive party. The State, moreover, had been alienated by the administration of Dix and the episode of Sulzer. The Republicans carried the State overwhelmingly, electing Whitman by 145,432 plurality and Wadsworth by 67,693. The vote for Governor was: Whitman, 686,701; Glynn, 541,269; Sulzer, 126,270; Davenport, 45,586; Gustav A. Strebel (Socialist), 37,793; James T. Hunter (Socialist Labor), 2,350. The vote for Senator was: Wadsworth, 639,112; Gerard, 571,419 (including 409 Independent Labor votes); Colby, 61,977; Charles E. Russell (Socialist), 55,266; F. E. Baldwin (Prohibition), 27,813; Edwin A. Archer (Socialist Labor), 3,064. The Republicans elected the rest of the executive officers by large pluralities, but the combination of the Democrats and Progressives on Seabury elected him Judge of the Court of Appeals over Chase

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<sup>24</sup>Speech at Poughkeepsie, October 5, 1914.

by 56,054 plurality. The Congress delegation stood: Republicans, 21; Democrats, 20; Socialist, 1; Progressive, 1. The Republicans carried both houses of the Legislature. The Senate consisted of 33 Republicans, 17 Democrats, and 1 Republican-Progressive; and the Assembly of 99 Republicans, 49 Democrats, and 2 Progressives. The Republicans also elected all the delegates-at-large to the Constitutional convention and an overwhelming majority of the district delegates.

Commenting on the result, the New York *World*, which with many independent warnings and admonitions had supported Glynn, said: "The Governor's political defeat is the inevitable result of trying to be friendly enough to Tammany to gain its support and independent enough of Tammany to win the support of the anti-Murphy Democracy. The thing the Governor tried to do cannot be done. The ticket that he ran on was loaded down with Murphy candidates from Bensel and Sohmer to Hopper and Ahearn. It reeked of Tammany corruption."<sup>25</sup>

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<sup>25</sup>New York *World*, November 4, 1914.

## CHAPTER XV

### REPUBLICANS AND PROGRESSIVES JOIN FOR HUGHES

1915-1916

WITH the inauguration of Governor Whitman the Republicans turned industriously to reorganizing the departments created under Dix, Sulzer, and Glynn and to displacing hold-over Democratic officers. This effort was inspired in part by desire for improved administration and conviction of public policy. But the appetite for spoils was strong and was whetted by the feeling that many of the reorganizations of the previous administrations had been made largely to legislate Republicans out of office. This was notably true with regard to the Court of Claims, which was at once restored. The Legislature, with Sweet continuing as Speaker and Brown as President *pro tem.* of the Senate, reorganized the State Tax department, displacing Louis F. Haffen, whom Hughes had removed for malfeasance from the Borough Presidency of the Bronx, and Whitman made Martin Saxe president of the new board. The three-headed Conservation commission was superseded by a single Commissioner and the Governor, going outside of political circles, appointed George D. Pratt to the office.

The Labor department, the Fire Marshal's office, the Industrial board, and the Workmen's Compensation commission were consolidated into an Industrial commission of five members, of which John Mitchell, who had been appointed by Glynn a member of the Workmen's Compensation commission, became chairman.

The Governor sought in his appointments to bring about him men of high character and ability. For Superintendent of Public Works he chose General William W. Wotherspoon, who had been chief of staff of the United States army. Edwin Duffey became Superintendent of Highways and Samuel H. Ordway, a leading student of civil service reform problems, chairman of the Civil Service commission. Republicans looked with dissatisfaction on the administration of the Public Service Commissioners, and early in the session a Senate committee, headed by George F. Thompson, began an investigation, which resulted in charges against four of the First district commission. But these were dismissed by the Governor on May 27. The next December, however, on evidence subsequently obtained by the committee, he removed Edward E. McCall, who had transferred to his wife stock in corporations subject to the Public Service commission's supervision by what the Governor held to be "a mere subterfuge and clumsy effort to evade the statute." Whitman then appointed Oscar S. Straus chairman of the commission. George V. S. Williams, another Commissioner, resigned and Robert Colgate Wood also resigned under charges of having sought a bribe from the Union Switch and Signal Company. He was indicted, but the





JAMES WOLCOTT WADSWORTH, JR.

James Wolcott Wadsworth, Jr., U. S. senator; born at Geneseo, N. Y., August 12, 1877; graduated from Yale, 1898; engaged in stock raising and general farming at Mt. Morris, Livingston county; served in Spanish American war, 1898; assembly 1905-1910; speaker from 1906 to 1910; delegate to republican national conventions of 1908, 1912, 1916, 1920; elected United States senator in 1914 and 1920.



trial was delayed and in March, 1917, the District Attorney, whose earlier motion to dismiss the indictment had been overruled, announced that the witnesses necessary for a trial were out of the State.<sup>1</sup> During his first year and a half in office Whitman, through removals, resignations, and expirations of term, was enabled to name the entire commission for the First district. He made no removals in the Second district, but reappointed Commissioner Frank Irvine.

The Court of Appeals having in February upheld a law prohibiting the employment of aliens on public work, the Legislature at once modified the act so far as it applied to the New York City subways, which were found to be dependent on alien labor. It also passed a Widowed Mothers Pension bill and re-passed for submission to the people in November a constitutional amendment giving the suffrage to women. The Assembly, by a vote of 54 to 49, killed a prohibition referendum.

The Governor early in the year roused a storm in New York City by proclaiming the necessity of a direct tax of at least \$18,000,000 to provide for canal work, to meet accrued obligations and institutional needs, which, he charged, the Glynn administration had neglected, and to furnish a working balance to the treasury. The city officials challenged this necessity, but after investigation Comptroller Prendergast declared that it could not be avoided, though Mayor Mitchel and President McAneny of the Board of Aldermen persisted in their

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<sup>1</sup>New York Times, December 28, 1916, March 22, 1917; Myers, *History of Tammany Hall*, p. 392 *et seq.*

criticism and ex-Governor Glynn supported them. McAneny urged the cutting off of appropriations that the Governor thought essential, and proposed continuing the canal work by expedients to anticipate the expected vote for a bond issue at the fall election, which the Republican leaders considered illegal.<sup>2</sup> The Legislature passed and the Governor signed a bill imposing a tax of \$19,500,000. The Bureau of Municipal Research subsequently reported that not only this sum, but almost \$10,000,000 more, was needed to place the State on a proper pay-as-you-go basis, owing to the failure of previous administrations to provide revenues adequate to each year's appropriations.<sup>3</sup>

While the less implacable and perhaps less logical Republican leaders were seeking to heal the breach between their party and the Progressives, William Barnes was intent on widening it. He believed in "a policy of thorough." Roosevelt in his writings had bitterly attacked him and charged that he was in political alliance with Murphy and that he was part of a corrupt alliance between crooked business and crooked politics. Barnes made this charge the basis of a suit for libel. He wanted a personal vindication. It would strengthen his leadership and help him to hold the party firm for conservatism in the coming Presidential campaign. But beyond that, he apparently thought that he could reveal Roosevelt's inconsistencies, traverse his career of association with Platt and his

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<sup>2</sup>*Governor Whitman's Report to the Voters*, September 7, 1916; *New York Times*, April 9, 10, 16, 25, May 2, 1915.

<sup>3</sup>*New York Times*, October 26, 1915.



toleration of political methods that he later denounced, and so discredit him as to rob the Progressive leadership of moral force. The case was brought to trial before Justice William S. Andrews in Syracuse in the spring of 1915. John M. Bowers was Roosevelt's chief counsel, while William M. Ivins undertook for Barnes the congenial task of puncturing the Roosevelt reputation. But Roosevelt was more than a match for the lawyer. Days of heckling could not change the belief of the public or the jurors that Roosevelt, while distinctly an opportunist, was unfailingly high-minded and independent. As for the libel, Roosevelt disavowed any intention to charge personal corruption, but he stood by his statement as to the character of Barnes's political transactions. Justice Andrews in his charge held that the statement was libelous in two respects: "One, that it charges a political alliance between Mr. Barnes and Mr. Murphy in the government of the State; the other, that it charges that Mr. Barnes worked through a corrupt alliance between crooked politics and crooked business."<sup>4</sup> Unless Roosevelt could prove both of these charges the plaintiff was entitled to recover. With respect to the first charge Roosevelt's evidence was weak. He alleged an alliance with Murphy to enable him to elect Sheehan to the Senate and to prevent the Republicans from coöperating with the insurgents to choose a more independent Senator. Barnes denied reports of William Loeb, Jr., quoting conversation with him to that effect, and the other evidence was mostly gossip brought to

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<sup>4</sup>New York Times, May 21, 1915.

Roosevelt by his friends. Barnes also showed that he had advised the Republicans to join with the insurgents at the critical moment when fear that they would join finally forced Murphy to abandon Sheehan. In support of the second charge, Roosevelt declared that Barnes in a conference with him spoke about contributors to campaign funds whose interests ought to be protected. After long deliberation the jury on May 22 found for Roosevelt. Roosevelt's prestige and his power to impress men with his essential rightness of mind might have warned Barnes against any expectation of a verdict dependent on technical proofs concerning charges made in political controversy. Barnes failed to discredit Roosevelt and lost the benefit of Roosevelt's disavowal of any aspersions upon his personal character. He might have accepted that as a vindication, but the temptation to subject Roosevelt to cross-examination by Ivins had been too strong. His defeat was a severe personal disappointment to Ivins, and together with the physical exhaustion resulting from the trial operated to bring about his sudden death shortly afterward. On the train home after the conclusion of the trial he is reported to have said to a member of the Constitutional convention: "I am tired to the heart. I could lie down and wish never to get up."

The Constitutional convention met in Albany on April 5. Among the Republican delegates were Elihu Root, Seth Low, James W. Wadsworth, Sr., Herbert Parsons, Louis Marshall, Presidents Jacob Gould Schurman of Cornell and Rush Rhees of the University of Rochester, George W. Wickersham, Henry L. Stim-

son, Adolph J. Rodenbeck, Meier Steinbrink, William M. K. Olcott, Harold J. Hinman, William Barnes, Jr., Edgar T. Brackett, Martin Saxe, John Lord O'Brien, A. T. Clearwater, Jacob Brenner, P. W. Cullinan, and Ray B. Smith. The Democratic membership included Morgan J. O'Brien, William N. Dykman, Andrew McLean, Alfred E. Smith, John B. Stanchfield, William F. Sheehan, Robert F. Wagner, John G. Saxe, Eugene Lamb Richards, Arthur J. Baldwin, and DeLancey Nicoll. By common consent the presidency went to Elihu Root, many of the Democrats voting for him, although some of them cast a complimentary vote for Morgan J. O'Brien. The convention continued its session into September, proceeding for the most part without division on party lines to draft a framework of government with a view to increased administrative efficiency.

Both parties were committed in their platforms to the "short ballot," or reduction in the number of elective officers, and President Wilson had been a conspicuous leader in the movement to secure it. Responding to this demand, the convention made the Secretary of State and the Treasurer appointive; abolished the State Engineer and transferred his duties to the Department of Public Works; systematized the administrative work then distributed among more than 150 different boards or officials into seventeen departments, and provided against the multiplication of commissions by requiring all administrative functions to be apportioned among them. The Attorney-General and Comptroller were left elective. The Education department was left under the

Regents chosen by the Legislature. The Commissioners of Labor, Public Service, Conservation, and Civil Service, who were vested with both legislative and administrative functions and had terms extending beyond that of the Governor, were made appointive by the Governor, subject to confirmation by the Senate. The heads of all other departments were made subject to appointment and removal by the Governor alone.

The next most important change was the establishment of a budget system. The administrative departments were required to prepare estimates and the Governor, after public hearing, to submit to the Legislature a complete budget, or plan of proposed expenditures and estimated revenues. The Governor and heads of departments might appear before the Legislature, and must appear if requested, to discuss the budget. The Legislature might reduce or eliminate any item, but could not increase it. The appropriations thus based on the Governor's budget became law without the Governor's approval. The appropriations for the expenses of the Legislature and the judiciary were not based on Executive estimates, but were subject to the veto power. The Legislature could make no other appropriations until it had disposed of the budget. Then it might make such further appropriations as it desired in the usual manner, subject to the veto power, provided they were made in separate bills for each single work or object. The salary of the Governor was raised to \$20,000 a year and the salaries of members of the Legislature were increased to \$2,500. Safeguards were provided against exemption from taxation, and



the Legislature was authorized, with the approval of the electors, to establish tax districts as large as a county, in which the assessment should furnish a uniform and equalized roll for all taxes levied within a district or any part of it, and for the assessment of the property of public service corporations by State authorities. A greatly increased measure of home rule was extended to cities. The existing rules of apportionment were continued, but the requirement of a State enumeration was eliminated and future apportionments were to be based on the Federal census.<sup>5</sup>

No sooner was the work of the convention finished than it was subjected to attack from several sides. Though the Democrats had declared for the "short ballot," they violently opposed the concentration of the appointing power in the Governor's hands. They also saw a threat to liberty in the budget system, although the plenary power of the Legislature over expenditures was preserved, provided only that it acted directly and openly in making appropriations not covered by the budget. Complaint was made that the cities were not allowed sufficient freedom, though their rights were greatly extended, and the Apportionment article was attacked, although the defeat of the new Constitution could not in any way better the conditions complained of. Equally violent was the war made by the Progressives upon the instrument. It was represented as the work of the "interests" and of reactionaries dominated by Root, and organized labor was urged to defeat it. The Taxation article awakened distrust in the rural

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<sup>5</sup>*Address to the People* adopted by the convention, September 10, 1915.

sections where the Constitution might otherwise have been popular, for it threatened easy-going tax methods long prevalent outside the cities.

Finally a powerful antagonist appeared in the person of ex-Chief-Judge Cullen,<sup>6</sup> who criticised the failure of the convention to adopt a proposed amendment to the bill of rights prohibiting military tribunals from exercising "jurisdiction over a civilian unless engaged in military or naval service while the regularly constituted State courts are open to administer justice." Root<sup>7</sup> and others answered that the Constitution already prohibited punishment except after jury trial, unless the defendant was in actual military service. Consequently the proposed amendment weakened the safeguards of the civilian, since by implication it subjected him to military tribunals wherever the civil courts were not open, that is, wherever the administrative authorities saw fit to declare martial law. But Judge Cullen held that the debates of the convention showed that some persons opposed the suggested amendment because they favored the exercise of military jurisdiction in case of riot. He thought this evidence of legislative intent might be used to extend military trials. His fears were sharpened by a recent case in West Virginia (*Nance vs. Brown*), in which the highest court upheld a military sentence of a civilian, although the State Constitution forbade the exercise of military jurisdiction over

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<sup>6</sup>New York *Sun*, October 3, 1915; two pamphlets addressed: *To the Electors of the State of New York*, by Edgar M. Cullen, Brooklyn Eagle Press.

<sup>7</sup>New York *Times*, October 17, 1915.

a civilian for any offense cognizable by the civil courts. The defenders of the convention's work answered that this decision was clearly contrary to the West Virginia Constitution, that no form of words could guard against such an arbitrary proceeding, appeal from which was prevented by a pardon, and that the provision rejected at Albany would afford no greater protection to civilians in such a situation than that provided by the Constitution as it was. They therefore maintained that there was no need of change in an article that had stood for a century as an efficient bulwark against military despotism. Nevertheless, Judge Cullen's appeal greatly intensified the hostility of labor, already aroused by the cry that it was Root's Constitution.

The instrument was submitted in three parts: The article on taxation; the article on apportionment; and the rest of the revised Constitution. The vote against it was overwhelming. The Tax article was beaten by 924,571 to 346,922; the Apportionment article by 891,337 to 371,588. The Constitution in general was defeated by 910,462 to 400,423. Two other amendments proposed by the Legislature were defeated at the same time. The vote on the amendment to give the suffrage to women was: Negative, 748,332; affirmative, 553,348. The proposition to allow the Legislature to alter the interest on State bonds, in order to relieve the taxpayers of a burden due to miscalculation of sinking fund requirements, a proposition against which there was no reasoned objection, failed by a vote of 725,748 to 430,423. On the other hand, the electors did exercise enough discrimination to approve an issue of



\$27,000,000 of bonds to complete the barge canal, by a vote of 625,159 to 580,242.

For the first time since Governor Roosevelt removed Asa Bird Gardiner from office in 1900, Tammany recovered possession of the prosecuting machinery in New York county. It elected Edward Swann over Charles A. Perkins, whom Whitman had appointed to succeed himself when he became Governor. It also elected Alfred E. Smith Sheriff. On the other hand, the Democrats suffered a signal reverse in Brooklyn, where the Republican District Attorney, James C. Cropsey, was reëlected, largely owing to his aggressiveness in cases growing out of a bank failure.

Despite the unexpected verdict against Republican policies, the party held control of the Legislature. In the session of 1916 the Senate consisted of 34 Republicans and 17 Democrats, and the Assembly of 96 Republicans, 52 Democrats, 1 Progressive, and 1 Socialist. Sweet was elected Speaker for the third time.

Whitman attempted to obtain in some measure the budget reforms proposed in the rejected Constitution by himself preparing classified estimates for appropriations, and by recommending that full control of all authorized expenditures be placed in the hands of the Comptroller, and that the right to reduce as well as veto individual items in Appropriation bills be given to the Governor. The Legislature failed to pass a constitutional amendment to modify the veto power, but it did adopt the scheme for classified appropriations. It supported the movement for national preparedness by



passing the Slater act for the physical training of small children and the military training of older boys in the public schools, and the Stivers act to make practicable the recruiting of the militia by conscription.<sup>8</sup> This was already provided for by law, but, as the enrollment for the purpose was statewide, filling up the quotas of different organizations locally was not feasible, and so the new law permitted the division of the lists by localities. The advocates of woman suffrage, undeterred by the sweeping vote against them, called for a resubmission of the question, and the Legislature took the initial steps for a new Suffrage amendment by a vote of 109 to 30 in the Assembly and 30 to 10 in the Senate.

The Governor had much trouble with the administration of Sing Sing prison. In December, 1914, Thomas M. Osborne, after having had himself voluntarily incarcerated in Auburn prison to study it from the inside, became warden of Sing Sing. He undertook to humanize its administration and established a system of self-government. He soon came into controversy with John B. Reilly, the Superintendent of Prisons, also a hold-over from the Glynn administration. Indictments were found against him in November, 1915, for malfeasance in office and for personal offenses, but he was subsequently acquitted and after a period of suspension returned to his duties. Meanwhile, in January, 1916, the Governor removed Reilly for attempting to break up Osborne's Mutual Welfare

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<sup>8</sup>*Governor Whitman's Report to the Voters of the State of New York, 1915-1916.*

League for self-government by arbitrarily removing its leaders to Clinton prison. Osborne for a time carried on his work along with a propaganda for prison reform, but in October resigned, attacking Whitman and the new Superintendent of Prisons for blocking his work. Osborne's critics answered that he was tactless, credulous, and unfit for team work, and the Governor objected to the publicity that he gave to convicts and to indiscriminate prison advertising.

Whitman entered the Governorship with an evident eye on the Presidency. His victory in New York after four years of Democratic rule and in the face of Progressive opposition warranted consideration of him as a possibility. The Kings county Republican committee on December 14, 1915, formally launched the movement, which had been quietly pushed for many months. But it failed to gain momentum or command support outside the State. The "Old Guard," which had made him Governor, early parted company with him, and while the progressive elements in the Republican party gathered about him to control the State organization he could not win Roosevelt or the Progressive party. Notwithstanding the many virtues of his administration and the high standard of his appointments he failed to arouse any general moral enthusiasm such as had supported Hughes. His critics attributed his good work to opportunism and charged that his efforts were all directed toward the building up of a personal organization. He soon saw that without united support in his own State he would rank below "favorite sons" like Cummins, Fairbanks, Burton, and

Weeks. Accordingly he abandoned his own candidacy and made himself the leader of a movement for the nomination of Justice Hughes. Hughes refused to be a candidate or to give any sign as to his views or even his acceptance of the nomination if made, but the Republican masses more and more came to feel that he was the one leader who combined the prestige and character fitting a candidate and a President with the freedom from factional strife that made possible a union of Progressives and Republicans likely to prove successful in the coming contest.

Meanwhile the conservatives were looking longingly for the leadership of Elihu Root, who had taken an active part in arousing sentiment for preparedness and in criticism of the foreign policy of President Wilson. He had been bitterly lampooned as a corporation lawyer who represented the "interests," notwithstanding the fact that when the public was his client no man had given it more able or disinterested service. His name was anathema to the Progressives as the champion of Taft. Nevertheless, the conservatives felt that it was time for the party to put aside questions of availability and stand for the most conspicuous and able exponent of Republican constitutional doctrines. Root himself did not take his candidacy with seriousness, and on January 12 requested that his name be kept off the Minnesota primary ballot. But he presided over the unofficial Republican State convention in New York on February 15, and made a powerful speech summing up the Republican criticism of President Wilson.

He blamed the President for interfering in Mexico without upholding American rights there; for "lack of foresight to make provision for backing up American diplomacy by actual or assured military or naval force"; for "the forfeiture of the world's respect for our assertion of rights by pursuing a policy of making threats and failing to make them good"; and for "the loss to the moral force of the civilized world through failure to truly interpret to the world the spirit of American democracy in its attitude toward the terrible events which accompanied the early stages of the war." He declared that the President's attitude toward Germany was "threatening in words, but irresolute in action"; that we had not been following the paths of peace, but blindly stumbling along the road that, continued, would lead inevitably to war; that the invasion of Belgium should have met with strong protest. Instead, "the President admonished the people that they must be neutral in all respects, in act, word, thought, and sentiment. We were not to be neutral merely as to the quarrels of Europe, but neutral as to the treatment of Belgium, neutral toward right and wrong, neutral between humanity and cruelty, neutral between liberty and oppression." A single word of dissent to German action in Belgium, he declared, would have ranged behind American leadership the conscience and morality of the neutral world, while if the rule of action applied to Belgium was tolerated, America would "have to fight for its life."<sup>9</sup> The plat-

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<sup>9</sup>Bacon and Scott, *Addresses of Elihu Root on International Subjects*, pp. 427, 447.



form followed his lead, insisted on the upholding of international law, commended the Governor, called for the restoration of the Tariff commission, and declared that government regulation of business must "not be interpreted to mean government management of business."<sup>10</sup>

The "Old Guard," which opposed Hughes only less than it did Roosevelt, controlled the convention. It grudgingly gave Whitman a place among the delegates-at-large to be suggested for the direct primary, and for the other members named Senator Wadsworth, Elon R. Brown, and Frederick C. Tanner. David Jayne Hill was considered for one of the four, but Barnes opposed him because he was thought too favorable to Roosevelt. A plan that these three in the absence of Whitman should declare for Root was blocked by Tanner. In the primaries of April 4 the Barnes organization failed to overthrow Greiner, Whitman's ally in Buffalo, and Whitman's friends won control of the State committee. On April 8 the State committee reëlected Tanner State chairman by a vote of 82 to 63 for Senator Charles W. Wicks of Oneida, who was supported by Wadsworth, Brown, and the Barnes following. Senator Ogden L. Mills, who presented Tanner's name for renomination, taunted the "Old Guard" with having put Tanner in office over himself and then failed to support their choice. At this meeting Mills also offered a resolution declaring for the nomination of "a tried Republican on whose record and character the nation can rely as a guarantee of wise

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<sup>10</sup>New York *Times*, February 16, 17, 1916.

statesmanship in the management of foreign and domestic affairs." It was carried unanimously. Mills said it was intended to apply to Hughes, but Wadsworth said he construed it as an indorsement of Root.<sup>11</sup> The day before, seventy-five prominent Republicans, including Joseph H. Choate, Nicholas Murray Butler, Chauncey M. Depew, John G. Milburn, Otto Bannard, Job E. Hedges, William A. Prendergast, Henry L. Stimson, and Senator Wadsworth, issued an indorsement of Root as "the ablest living American."

Meanwhile the problem of Theodore Roosevelt confronted the Republicans. Even earlier than Root he had declared that the United States should have protested against the invasion of Belgium, though at the beginning of the war this had not been his view, and he had gone to great lengths in criticism of the President and in fighting for military preparation. A Progressive nomination was his for the taking, and many Republicans who sympathized with his attitude toward the war stood ready, as he was, to forget the past. On his departure for a trip to the West Indies on February 17, Roosevelt gave a statement to Henry L. Stoddard<sup>12</sup> in which he said: "I will not enter any fight for the nomination and I will not permit any factional fight to be made in my behalf. Indeed, I will go further and say, it would be a mistake to nominate me unless the country has in its mood something of the heroic, unless it feels not only like devoting itself to ideals but to the purpose measurably to realize those

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<sup>11</sup>New York Times, April 9, 1916.

<sup>12</sup>New International Year Book, 1916.



CHARLES SEYMOUR WHITMAN

Charles Seymour Whitman, 44th governor (1915-1918); born at Hanover, Conn., August 28, 1868; assistant corporation counsel New York City, 1901-1903; member of board of city magistrates, 1904-1907; judge of the court of general sessions, 1907; district attorney of New York county, 1910-1914; elected governor in 1914 defeating Martin H. Glynn; governor 1915-1918; defeated for re-election by Alfred E. Smith, November 5, 1918.





ideals in action." On his return in March he replied to a charge by Wilson that American business was trying to force intervention in Mexico, and declared that the trouble in Mexico was due to shipping arms to "first one set of bandits and then to another." On March 31, at the house of Robert Bacon, he met Root, Henry Cabot Lodge, and General Leonard Wood for luncheon. The meeting was announced to be for the discussion of preparedness, but this first friendly intercourse between Root and Roosevelt since 1912 excited the politicians and frightened the Barnes following with the spectacle of their own candidate ignoring their implacable feelings toward Roosevelt.

The Republican and Progressive national conventions both met in Chicago on June 7. Among the Progressives were two factions. The more radical, led by Victor Murdock and J. M. Parker, was for Roosevelt only; while George W. Perkins, James R. Garfield, and Gifford Pinchot, though seeking union on Roosevelt stood ready to make concessions. Raymond Robins, the chairman of the convention, was ranked as a radical, but with great skill he held the fire-eating element in check in order that some basis of union might be found. Perkins, Henry L. Stoddard, and Oscar S. Straus, who was one of the New York delegates-at-large, the other being Horace S. Wilkinson, found their party standing with the irreconcilables endangered by their efforts to prevent the folly of a third nomination.

In the Republican convention the New York delegation was almost evenly divided. Whitman was determined to displace Barnes from the national committee,

but on June 6 he was so uncertain of a majority that he agreed to a compromise by which his opponents withdrew Elon R. Brown, their candidate for the credentials committee, in favor of Charles M. Hamilton, a Hughes man, on condition that the national committee question be left until after the nomination. Whitman was made chairman of the delegation.

Warren G. Harding presided over the national convention, which on its second day adopted a platform the keynote of which was preparedness and defense of American rights. It blamed interference in behalf of of one faction in Mexico for outrages there on American life and property; denounced the Underwood tariff and the proposal for a government-owned merchant marine, though it called for the encouragement of shipbuilding. It favored woman suffrage through the action of the States. The only division over the platform came from Wisconsin. Friends of LaFollette tried to inject a plank that pointed toward interference with the export of munitions to the Allies and called on the Executive "to preserve the perfect balance of our neutrality, even at the sacrifice of profits to the money powers and the manufacturers of arms and ammunition." This pro-German declaration was thrown out with little ceremony.

Both conventions appointed committees of conference, which reported back agreeable exchanges of views, the Progressives urging Roosevelt while the Republicans named no candidate. In reply to appeals to come to Chicago, Roosevelt preached the paramount duty of getting together. The balloting in the Repub-

lican convention began on June 9, while the Progressives marked time, though the radicals were straining at the reins held in Robins's hands. Governor Whitman presented the name of Hughes, Nicholas Murray Butler that of Root, and Senator Fall of New Mexico that of Roosevelt. Ohio presented ex-Senator Burton; Massachusetts, Senator Weeks; Illinois, Senator Sherman; Iowa, Senator Cummins; Wisconsin, Senator LaFollette; Pennsylvania, Senator Knox; Indiana, ex-Vice-President Fairbanks. The first ballot was: Hughes, 253½; Weeks, 105; Root, 103; Cummins, 85; Burton, 77½; Fairbanks, 74½; Sherman, 66; Roosevelt, 65; Knox, 36; Henry Ford, 32; Governor Brumbaugh of Pennsylvania, 29; LaFollette, 25; Taft, 14; T. Coleman du Pont, 12; Governor Willis of Ohio, 4; Senator Borah, 2; Governor McCall of Massachusetts, 1. On the second ballot the Hughes vote rose to 328½; Root had 98½, Roosevelt 81, Fairbanks 88½, Weeks 79, Cummins 85. The vote of the New York delegation on the first ballot stood: Hughes, 42; Root, 43; Roosevelt, 2. Among the Hughes delegates were Whitman, State Chairman Tanner, Herbert Parsons, Ogden L. Mills, William L. Ward, George W. Aldridge, Harvey D. Hinman, W. M. Calder, F. J. H. Kracke, Samuel S. Koenig, Speaker Sweet, John A. Merritt, and John Lord O'Brian. In the Root camp were Senator Wadsworth, E. R. Brown, W. A. Prendergast, M. J. Dady, ex-Senator Depew, Otto Bannard, J. Sloat Fassett, and C. D. Hilles, the chairman of the national committee. The two Roosevelt votes were cast by Francis Hendricks and his fellow-delegate from

the Onondaga district, W. A. Rill. The only change on the second ballot was that of Thomas R. Proctor, a delegate from Oneida county, Root's own country home, from Root to Hughes.

All indications pointed to the early nomination of Hughes when the convention adjourned overnight to allow further conference with the Progressives. The next morning a telegram was received from Roosevelt reiterating his desire for union and suggesting a combination on Henry Cabot Lodge. But this proposal met with scant favor in either convention. When the Republican convention reassembled Senator Smoot reported for the conference committee that it had urged upon the Progressives the strong sentiment for Hughes, and the Progressives had promised to submit his name to their convention. He also reported Roosevelt's telegram. The names of Weeks, Sherman, and Roosevelt were then withdrawn and on the third ballot Hughes was nominated, receiving 949½ votes, while 18½ went to Roosevelt, 3 to Weeks, 7 to Lodge, 5 to du Pont, and 3 to LaFollette. On this ballot New York gave its solid vote to Hughes. The Vice-Presidential nomination went to Charles W. Fairbanks.

The irreconcilable Progressives had been anxious to forestall the nomination of Hughes, but it was not until after the Republicans had completed their work that Chairman Robins suddenly announced that the convention might proceed to nominate. Then Bainbridge Colby presented Roosevelt's name and he was unanimously made the Progressive candidate, two hours after Hughes had been nominated. The convention picked



John M. Parker of Louisiana for Vice-President. Roosevelt promptly informed the Progressives that he must hold their nomination in abeyance; if they desired an instant decision he must decline. While on the bench Hughes had absolutely refused to give any indication of his views, but a statement was expected from him, and Roosevelt suggested that if it proved satisfactory to the Progressives they could consider his declination final. If it did not prove to be so he stood ready to confer with them as to the best course for the party.<sup>13</sup>

Hughes at once resigned from the Supreme Court and plunged into the campaign. His views proved satisfactory to Roosevelt, who with the majority of the Progressives joined the Republicans. A minority attempted to keep the party alive with Parker as a candidate for Vice-President, but without success.

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<sup>13</sup>New York *Times* and Chicago *Tribune*, June 7-12, 1916, and personal observation of the writer at the conventions.

## CHAPTER XVI

### WILSON RE-ELECTED PRESIDENT WITHOUT THE EAST

1916-1917

PRESIDENT WILSON'S renomination by the Democrats was a foregone conclusion. His long patience in the face of submarine barbarities, his reply to the challenge of the "Lusitania" murders that a nation might be "too proud to fight," and his mixture of tolerance of outrages on Americans in Mexico with the seizing of Vera Cruz, nominally on a question of etiquette, really to force Huerta from power, had lost him favor, particularly in the east, where sympathy with the Allies and the demand for an aggressive American policy were strong. This feeling was intensified by his disinclination to commit the country to a program of formal military preparation and his break with Secretary of War Garrison because, when he finally did undertake the organization of a reserve army, he yielded to the Congressional demand for the sacrifice of what Garrison had understood to have been agreed upon by the President as essential to adequate preparation. He had declared that America might have to fight to save lives, but never ought to fight "to avenge lives taken or simply to save property," and had

told the Gridiron Club in February: "America ought to keep out of this war. She ought to keep out of this war at the sacrifice of everything except the single thing upon which her character and justice are founded—her sense of humanity and justice."<sup>1</sup> On the other hand, his stand against pro-German demands for an embargo on shipping to the Allies, his prosecution of German agents working to cripple industries useful to the Allies, and his diplomatic protest against submarine activities had alienated the pro-Germans, who saw indication of a spirit likely to prove resolute enough under the stress of increased emergencies. No Democrat was in position to challenge his leadership.

Tammany had not enjoyed Wilson's favor. Most of the prominent New York appointments had gone to Democrats outside the organization, and Senator O'Gorman had taken for his son-in-law, Dudley Field Malone, the Collectorship of the Port when Frank L. Polk resigned to become counsellor to the Department of State. But, as the election approached, Wilson's friends became more conciliatory toward Tammany. The President offered the postmastership to Senator Wagner, who declined, and then bestowed it on another good organization man. Osborn retired from the chairmanship of the State committee, and Tammany was allowed to name E. S. Harris of Saratoga instead.<sup>2</sup> An unofficial State convention was held in Syracuse on March 1, over which Martin H. Glynn presided, and William Church Osborn, Samuel Untermyer, James

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<sup>1</sup>*New International Year Book*, 1916.

<sup>2</sup>*New York Times*, April 21, 1916.

A. O'Gorman, and George J. Meyer of Buffalo were proposed for delegates-at-large to the St. Louis convention of June 14.

By the President's wish Glynn was made temporary chairman of the national convention to state the party's case to the people. Champ Clark was picked for permanent chairman, but, still nursing his grudge against Wilson, he declined, and Ollie M. James accepted the post. In his speech Glynn took an advanced attitude of pacifism. His declaration that it was not the custom of the nation to go to war over provocations that admitted of honorable settlement aroused great enthusiasm, far more than his later arguments for preparedness, which were applauded but without fervor. The *New York Times* reported that he gave the delegates a reason for faith in pacifism and that the leaders were in dismay, for "those who had labored hardest to keynote Americanism and had succeeded, found their work crumbling away and vanishing before the stampede of pacifism."<sup>3</sup> The platform was likewise pacific in tone though it emphasized Americanism and denounced the hyphenated Americans who put loyalty to the country of their origin and sympathy with one of the parties in the European war before their devotion to their adopted country, and likewise declared for a policy of preparedness. It gave adhesion to the President's program of a future association of nations and his doctrine of self-determination of peoples. It proposed woman suffrage by State action in a plank not essentially differing from

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<sup>3</sup>*New York Times*, June 15, 1916.



that of the Republicans, though regarded by the leaders of the suffrage movement as being less cordial to their demands. Wilson's was the only name presented to the convention, and he was unanimously renominated. Murphy had partly committed the New York delegation to Roger C. Sullivan of Illinois for Vice-President, but when he found that a vote for Sullivan would be impolitic and wanted the excuse of having a candidate from his own state to support, he brought forward Gerard, who was indorsed by the New York delegation. The leaders, however, were determined to renominate Vice-President Marshall, and Gerard's name did not go before the convention.<sup>4</sup>

Three other Presidential tickets were put in the field. The Prohibitionists named ex-Governor J. Frank Hanly of Indiana and Ira D. Landrith of Tennessee on a platform that opposed the "wasteful military programs of the Democratic and Republican parties," although it favored self-defense. Sulzer was a candidate for President, but had only 13 votes to Hanly's 37 in the New York delegation and was beaten by 440 to 181 in the convention.<sup>5</sup> The Socialists put up Allan L. Benson of New York and George R. Kirkpatrick of New Jersey, and assailed the very moderate preparedness program of President Wilson as militaristic, while the Republicans were calling it inadequate.<sup>6</sup> The Socialist Labor candidates were Arthur E. Reimer of Massachusetts and Caleb Harrison of Illinois. This

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<sup>4</sup>New York Times, June 15-18, 1916.

<sup>5</sup>New York Herald, July 22, 1916.

<sup>6</sup>New York Times, March 20, 1916.

party paid no attention to the war, but opposed craft trade unionism and urged upon the workers international industrial unionism.<sup>7</sup>

Early in the spring Tammany sentiment had inclined to Gerard for Governor, while friends of Wilson suggested Frank L. Polk, but the organization had no enthusiasm for Polk, and Gerard let it be known that he wished to remain in Berlin. Then Murphy, after some consideration of Wagner, turned to Judge Seabury of the Court of Appeals.<sup>8</sup> Seabury had been an inconstant political quantity, at one moment an advanced radical and friend of Hearst, then a Progressive, and then an organization Democrat. Though after two trials he had just reached the Court of Appeals, he preferred politics to the bench. Senator O'Gorman's frequent exhibition of anti-English feeling on questions involving America's attitude toward the war, and his failure to provide Federal patronage for Tammany, made his candidacy for reelection undesirable even in his own eyes. William Church Osborn was an aspirant, but Tammany selected for Senator William F. McCombs, who had managed Wilson's first Presidential campaign only to find himself without favors to distribute. The Democrats held an unofficial convention at Saratoga on August 11, with John J. Fitzgerald in the chair. The platform contained a bitter indictment of Whitman for extravagance, and declared: "The State needs an Executive more than an executive budget." It designated Seabury for Governor by a

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<sup>7</sup>New York *Times*, May 1, 1916.

<sup>8</sup>New York *Times*, April 7, 21, June 13, 1916.

vote of 403 to 27 for Mayor L. P. Fuhrman of Buffalo and 15 for Charles E. Treman of Ithaca, who had been Superintendent of Public Works under Dix. It also indorsed McCombs for Senator. Ex-Lieutenant Governor Conway entered the primary against McCombs as an anti-Tammany candidate, but received only 52,756 votes, against 90,707 for McCombs. The rest of the Tammany slate was nominated without contest.<sup>9</sup>

The nomination of Hughes put Whitman's friends in uncontested control of the New York organization. Immediately after the vote at Chicago, Barnes withdrew as a candidate for the national committee and the delegation elected Herbert Parsons. Hilles was succeeded as national chairman by William R. Willcox, who was chosen by Hughes largely because, though a regular Republican, he enjoyed the friendship of Roosevelt and the Progressives and could bridge the chasm between them and the uncompromising Republicans who still dominated the national committee. Senator William M. Bennett in April announced himself as a candidate against Whitman,<sup>10</sup> but he lacked personal strength, and, though the "Old Guard" and the Progressives would have been glad to set aside the Governor, the latter's position was impregnable. For

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<sup>9</sup>The Democratic ticket was: Governor, Samuel Seabury, New York; Lieutenant-Governor, Thomas Kreutzer, Onondaga; Secretary of State, Frank M. Stage, Erie; Comptroller, Joseph W. Masters, Kings; Treasurer, Maurice S. Cohen, Bronx; Attorney-General, William W. Farley, Broome; State Engineer, Henry R. Beebe, Oneida; Chief-Judge of the Court of Appeals, Almet F. Jenks, Kings; Associate-Judge of the Court of Appeals, John T. Norton, Rensselaer; United States Senator, William F. McCombs, New York.

<sup>10</sup>New York Times, April 13, 1916.

two years Congressman Calder had been organizing his friends with a view to the Senatorial nomination. He was practically unopposed until a few weeks before the primaries, when Robert Bacon entered the contest with the support of Root, Choate, Andrew D. White, Seth Low, Nicholas Murray Butler, David Jayne Hill, Harvey D. Hinman, J. Sloat Fassett, Edgar T. Brackett, and Elon R. Brown. He appealed to the people as the champion of preparedness and the extreme measure of the Root-Roosevelt attitude toward the European war. He boldly proclaimed, "I am an avowed unneutral."<sup>11</sup> Calder's opinions on these questions had not been found fault with, but he had been cautious in his expressions, and Bacon's outspokenness provoked an enthusiastic response.

In the primaries of September 19 Bacon received 144,366 votes, but Calder won by a narrow margin, receiving 153,373. Whitman's vote was 254,177, to 44,720 for Bennett. James F. Hooker contested the renomination of Comptroller Travis and received 53,710 to 216,878 for Travis. The rest of the Republican ticket was nominated without opposition.<sup>12</sup>

The radical Progressives hoped to give their nomination to Seabury, but the sentiment for reunion with the

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<sup>11</sup>New York Times, September 21, 1916.

<sup>12</sup>The Republican ticket was: Governor, Charles S. Whitman, New York; Lieutenant-Governor, Edward Schoeneck, Onondaga; Secretary of State, Francis M. Hugo, Jefferson; Comptroller, Eugene M. Travis, Kings; Treasurer, James L. Wells, Bronx; Attorney-General, Egbert E. Woodbury, Chautauqua; State Engineer, Frank M. Williams, Orange; Chief-Judge of the Court of Appeals, Frank H. Hiscock, Onondaga; Associate-Judge of the Court of Appeals, Cuthbert W. Pound, Niagara; United States Senator, William M. Calder, Kings.



Republicans was too strong for them, despite Roosevelt's dislike of Whitman, and they polled only 6,020 as against 11,483 for Whitman. They nominated Bainbridge Colby, however, for Senator. The vote was 7,006 for Colby and 6,875 for Calder. They accepted Hugo, Travis, Williams, Hiscock, and Pound from the Republican ticket, but nominated Frank P. Tucker for Treasurer, Robert H. Elder for Attorney-General, and L. B. Dorr for Lieutenant-Governor. The Independence League also indorsed Whitman, giving him 1,763 votes to 691 for Seabury. It nominated for Attorney-General William A. DeFord, who became William R. Hearst's personal counsel after Clarence J. Shearn went on the bench, and it indorsed the rest of the Republican ticket except the candidates for the Court of Appeals. For Judges it supported Jenks and Norton, the Democratic nominees.

The Republicans held a conference to adopt a platform at Saratoga on September 28, with Nathan L. Miller presiding. The Whitman influence prevented the "Old Guard" from putting in a plank calling for a modification of the Primary law. The platform condemned Wilson's measures for national defense as being designed to lull the nation into false security, and denounced the Adamson law, which the President had just forced through Congress to prevent the threatened railroad strike by giving the trainmen pay and overtime based on an eight-hour schedule. To counteract the Democratic campaign cry, "He kept us out of war," it complained that, while the country had been kept out of war, it had by the Democratic fiscal policy been

loaded with war taxes, particularly burdensome on New York.<sup>13</sup>

President Wilson made few speeches in the campaign, but whenever he did speak he laid stress on the "forward looking" character of his administration, its devotion to the masses, and its promotion of their business interest as distinguished from the special claims of large aggregations of capital, whose representative he declared Hughes to be. He pictured the Republican policy as one that would draw the country into war. He presented his course as the policy of peace, and said: "There is only one choice as against peace, and that is war." While boldly attacking the pro-German and Irish propagandists who sought to use this country in machinations against the Allies, he professed entire neutrality and inability to form a moral judgment between the aims of the two parties in the struggle—an attitude that was reflected after election in his recommendation of "peace without victory." In a speech at Omaha on October 5 he said: "It will take the long inquiry of history to explain the war, but Europe ought not to misunderstand us. We are holding off not because we do not feel concerned, but because when we exert the force of this nation we want to know what we are exerting it for."<sup>14</sup> If at that time he foresaw our own entrance into the struggle, he rightly judged that the country was not ripe for it as an issue and maintained his declared policy of "watchful waiting" until after election. Then he proceeded to solve his difficult

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<sup>13</sup>New York Times, September 29, 1916.

<sup>14</sup>New International Year Book, 1916.

problem with an assured lease of power and the claim of long patience on pacifist support.

In the earlier part of the campaign Hughes devoted himself chiefly to denouncing the administration for interfering in Mexico but not protecting Americans there, and for failing to uphold American rights under international law, which had been invaded by the European belligerents on both sides. Though Roosevelt was supporting him in aggressive speeches of a distinctly pro-Ally tone, Hughes himself, like Wilson, carefully refrained from any expression that could arouse the enthusiasm of those who believed it was the duty of the United States to throw its influence against Germany for the protection of freedom and civilization. He was determined not to enter the Presidency, if elected, heralded to the world as a "pro-Ally" or "pro-German." He contented himself with asserting a purpose to resist all invasions of American rights with such steadfastness that the belligerents would not continue to invade them. This failed to satisfy many who, with growing indignation at the German submarine campaign, feared that he might be as strenuous against British searches as against German sinkings, though he himself carefully differentiated between wrongs against neutral property and against neutral lives. After the President had exerted his power to prevent the railroad strike and given the labor unions their demands in the Adamson law, Hughes made that the chief topic of his attacks and carried with him the sympathy of many conservative Democrats, who felt that the President was not acting to secure justice after



inquiring into the merits of the controversy, but was being forced by threats to mulct railroads to please their employes on the eve of election. Relief, however, from the threatened paralysis of traffic and the menace of industrial war brought satisfaction to many, regardless of the method of settlement, and secured to the President the support of the trainmen. With respect to woman suffrage Hughes parted from his platform, stating it was his personal belief that woman suffrage must come ultimately and that public tranquillity would be promoted by getting the question out of the way as quickly as possible by a Federal constitutional amendment.

The State campaign attracted little attention, though Seabury and the Democrats attempted to array labor against Whitman by representing the militia draft measure as a piece of tyranny in the interest of capitalistic militarism. Conscription for the militia was represented as unprecedented and un-American, though as good a Jeffersonian as Daniel D. Tompkins had not hesitated to apply it to the militia in the War of 1812.<sup>15</sup> Seabury by his impatience of restraint and unwillingness to accept suggestions or advice succeeded in antagonizing the most of the leaders of his party, and his candidacy aroused little enthusiasm or interest.

Popular sentiment in the campaign was confused by a great number of cross currents. In the main, Hughes won the support of those who felt that the administration's foreign policy had been weak, that effective

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<sup>15</sup>Jabez D. Hammond, *The History of Political Parties in the State of New York*, Vol. 1, p. 381.





WILLIAM M. CALDER

William M. Calder, U. S. senator; born in Brooklyn, N. Y., March 3, 1869; educated in the public schools of Brooklyn and Cooper institute, New York City; engaged as builder, having erected nearly 3,000 houses in Brooklyn; building commissioner for the city of Brooklyn, 1902-1903; member of congress from 1905 to 1915; United States senator, 1917—.





BAINBRIDGE COLBY

Bainbridge Colby, lawyer; born at St. Louis, December 22, 1869; graduated from Williams college, 1890; admitted to the bar and practiced in New York City since 1892; one of the counsel for interests which brought about reforms in life insurance organizations; member of state assembly, 1901-1902; actively identified with the candidacy of Theodore Roosevelt for the presidential nomination in 1912 and in charge of contests to seat Roosevelt delegates in the republican national convention of that year; one of the founders of the national progressive party and delegate to the progressive national convention at Chicago in 1912; progressive candidate for United States senator in 1914 and 1916; appointed commissioner of the United States shipping board and a member of the United States shipping board emergency fleet corporation, 1917-1919; appointed secretary of state by President Wilson, February 25, 1920.





military preparation was necessary, and that the business and industry of the country were threatened by Democratic legislation. Those who felt that a firmer course by Wilson would have prevented the aggressions tending to war and those who believed that the President, who declared that "with the causes and objects of this great war" America was "not concerned,"<sup>16</sup> had totally misconceived its character as a world contest between autocracy and the free spirit of man, between civilization and barbarism as revealed in the rape of Belgium and the murders by submarines,—both generally supported Hughes, despite complaints at his refusal to make the latter issue.

On the other hand, the cry, "He kept us out of war," awakened a hearty response, especially in the middle west, where the war demand for food was piling up wealth, where theoretical pacifism was strong, and where the sense of concern with European affairs was weak. The trainmen's influence, which was strong in these States, went for Wilson. But beyond that, great numbers of voters everywhere refused to accept the Republicans as the sole champions of sturdy Americanism. The west had never been lacking in enterprise of thought or energy of action on great questions. For this very reason Roosevelt made the west his chosen field of campaigning for Hughes, and failed to win Kansas or Ohio. Their response when war actually came showed no lack of fiber. Clearly a strong feeling existed that the administration's course had been in no

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<sup>16</sup>Frederick A. Ogg, *National Progress (The American Nation Series)*, p. 396.

way delinquent or hesitant, but had fully and consistently maintained the honor and interests of the nation, and that the President having fixed limits to submarine activities which Germany was professing to observe, was right in biding his time. Wilson had the support of many who felt that the decision of peace or war should still rest with Germany, and that a program of effective preparation for war here would not yet be sustained by the country or pass Congress; and some of his vigorous utterances, especially his reply to the anti-Ally agitator O'Leary, awakened a response of unhyphenated Americanism that offset in a measure the criticisms of his less fortunate phrases.

Hughes swept New York, Pennsylvania, Illinois, Indiana, and Wilson's own State of New Jersey, and on election night his victory was proclaimed by the newspapers and conceded by most Democrats, though the chairman of the national committee, Vance McCormick, insisted that later returns would be more favorable to Wilson. The next day he was justified by news that California, which was supposed to be certain for Hughes, was doubtful, as were Minnesota and New Hampshire. Kansas and Ohio both went strongly for Wilson. The failure of the Progressives and Republicans in California to work harmoniously together and the bad management that sent Hughes through the State under conservative conduct, while the old Republican leaders were making a fight in the primaries against Hiram Johnson, gave the State to Wilson. He had a plurality of 3,806. He carried New Hampshire by 56 votes, while Hughes won in Minnesota by 392. Wilson

had 277 Electoral votes to 254 for Hughes. The popular vote was: Wilson, 9,129,606; Hughes, 8,538,221. The votes of both the Socialists and Prohibitionists showed a decided decrease.

Wilson had won, indeed, but what the nation's mandate was could hardly be discovered. Plainly the Republicans and Progressives had not completely fused, notably in Kansas and California, where Wilson's social legislation was accepted as Progressive policy. Plainly also the country as a whole had not yet a clear vision of the war. But the rest was confused. "Outside the 'solid south,' where a Presidential election involves no real contest, Hughes had a decided plurality; Senatorial elections in thirty-two States showed a Progressive-Republican trend and reduced the Democratic majority in the upper branch of Congress from sixteen to ten; and the largest Democratic vote on record failed to retain for the party an assured control of the House of Representatives."<sup>17</sup>

Hughes carried New York by 119,812 plurality. The vote was: Hughes, 879,238; Wilson, 759,426; Hanly (Prohibition), 19,031; Benson (Socialist), 45,942; Reimer (Socialist Labor), 2,666. The entire Republican State ticket was successful by pluralities ranging from 163,158 for Whitman to 249,141 for Wells. The vote for Governor was: Whitman, 850,020; Seabury, 686,862; Charles E. Welch (Prohibition), 21,773; Algernon Lee (Socialist), 52,560; J. D. Crowley (Socialist Labor), 3,847. Bainbridge Colby received 15,339 votes for Senator, but otherwise the Progres-

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<sup>17</sup>Ogg, *National Progress*, p. 380.

sives showed a separate strength of only about 7,000. Calder went to the Senate with 233,381 plurality over McCombs. The Independence League cast 8,407 votes for DeFord. The New York Congress delegation stood: Republicans, 26; Democrats, 16; Socialist, 1. Thirty-six Republican and 15 Democratic Senators were elected, and 99 Republican, 49 Democratic, and 2 Socialist Assemblymen. Sweet was elected Speaker for his fourth term. The Constitutional convention of 1915 was held in advance of the date fixed by the Constitution, and the failure to accept its work left the question of holding a new convention to be submitted to the people in 1916. The electorate showed that it had no desire for further experiment by voting against the convention, 658,269 to 506,563. The proposition to issue \$10,000,000 of bonds for State park purposes was carried, 653,129 to 501,514.

The Hughes movement gave Whitman a second term in the Executive chamber, but as it would expire two years before the next Presidential election possibilities for him as a national leader rested on his reelection in 1918. To that end he bent his energies. The first step was to fortify his control of the State committee. He had originally selected Tanner, but Tanner had ambitions of his own, so the Governor pushed him aside. The name of George W. Aldridge, who had loyally supported Whitman's Hughes campaign against his own impulses, figured in newspaper discussion, but the Governor determined to build up a strictly personal organization and chose for State chairman George A. Glynn, a journalist, who held the office of Executive



Auditor under Whitman. The Governor seriously considered attaching a salary to the State chairmanship, but there were too many objections to the plan. At a meeting of the State committee on January 12 Glynn was elected chairman. No candidate appeared against him; the minority simply refrained from action.<sup>18</sup> Whitman retained the friendship of Hendricks, Greiner, and Koenig, the head of the New York county organization, but he alienated William L. Ward and continued to encounter the opposition of Barnes, Brackett, and Brown, who for the third time was President *pro tem.* of the Senate. The majority of the Kings county organization was also against him, though he established a hold there through F. J. H. Kracke, whom he made Public Service Commissioner.

The Senate majority, led by Elon R. Brown, showed little disposition to accept the Governor's leadership, but Speaker Sweet in the Assembly was more friendly. The Legislature in April passed an act for a State Constabulary to police rural districts, modelled upon the efficient Pennsylvania force, and also joined the Governor in plans to make New York's participation in the war speedy and effective. A census of the military and industrial resources of the State was promptly taken. A new body of National Guardsmen was recruited to take the place of the organizations sent away on national service. Part of the work of meeting the war emergency devolved on a special session of two months beginning at the end of July. A commission was established to control food production and

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<sup>18</sup>New York Times, January 11, 13, 1917.

distribution during the war, and for its head Whitman nominated George W. Perkins, who had been a student of the subject and an active worker for the measure. This selection, however, of a recent Progressive leader was disagreeable to Republican politicians and likewise to the farming interests, who looked upon Perkins as a representative of the consumer and also distrusted him as the organizer of the so-called Harvester trust. The Senate refused to confirm the nomination, and after two months' delay the Governor appointed John Mitchell, the Industrial Commissioner and former labor leader, chairman, and Jacob Gould Schurman and Charles A. Wieting associates. A new apportionment was passed, which gave Queens and Westchester counties each a new Senator at the expense of a rearrangement of the country districts. New York county lost four Assemblymen and Erie, Ulster, and Jefferson one each, and these seven seats were distributed two to Queens and one each to Broome, Schenectady, Westchester, Nassau, and Richmond. The privilege of prohibiting liquor sales by local option on a popular vote was extended to the cities of the State. A township school system was established by bringing 10,000 school districts under 982 town Boards of Education, leaving the cities and larger villages, and smaller villages with fifteen or more teachers, under their own boards. This act was repealed, however, the next year.

Tammany after being virtually out of office for eight years found in the expiration of Mayor Mitchel's term the prospect of a return to power. After the defeat of Seabury a sharp tilt occurred between him and State

Chairman Harris, who blamed the candidate for making a personal campaign and not following the organization directions. Some rural Democrats for a time cherished the old delusion that they could break Murphy's power outside of the city.<sup>19</sup> But after these ebullitions Murphy was undisturbed in his plans.

Mitchel was a brave, able, and independent executive, with a large vision of the work that a city administration could do for the health and social welfare of its citizens, but he made enemies on every side, partly accounted for by selfish interests that he had antagonized and partly by his own lack of political tact and judgment. He expressed unwillingness to run for reelection, but a fusion movement backed by the Union League Club and Chairman Koenig of the New York Republican county committee put him forward. The general expectation was that the indorsement of the Republican organization would carry with it his nomination at the primaries, but the Brooklyn machine, which had wanted to run a straight ticket with Justice Cropsey as the candidate, was hostile to Mitchel. William M. Bennett entered the field with an appeal for a straight ticket and astonished the city by defeating Mitchel for the Republican nomination. A recount of the votes showed gross frauds against Bennett in some districts. Nevertheless, Republicans who cared more to defeat Tammany than to win the Mayoralty joined in urging Mitchel to run as an independent candidate, and he consented.

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<sup>19</sup>New York Times, February 12, 18, 1917.



The rank and file of Tammany wanted to run Alfred E. Smith for Mayor, but Murphy entered into an alliance with Hearst, who from ardently supporting had turned to lampooning Mitchel, and under his inspiration nominated John F. Hylan, a County Judge in Kings county, who had once been a railroad worker and proved himself attractive to the labor vote. The Socialist party nominated Morris Hillquit, around whom gathered most of the pacifists and anti-war elements.

Mitchel had aggressively used the city administration to sustain the war. His managers tried to make the campaign a patriotic rally, urging that Hylan could be trusted little more than Hillquit to support the war heartily; but this method of campaigning rather overshoot the mark. Governor Whitman declared for Mitchel as against the regular nominee of the Republican primaries, but took pains to say that no issue of patriotism was involved. Hylan's professional and financial transactions were criticised by the *New York World*. Hylan brought suit for libel, but the next summer withdrew the action on the eve of trial. Hylan was elected, and the Democratic organization also gained complete control of the city government. The vote was: Hylan, 313,956; Mitchel, 155,490; Hillquit, 145,328; Bennett, 56,438. The Mitchel campaign cost considerably more than a million dollars. Subsequent revelations as to the contributions and expenditures led to the indictment of William Hamlin Childs, the campaign manager and one of the chief contributors, on charges of violating the statute, which



indictment, however, was subsequently dismissed on motion of the district attorney. Indignant critics denounced what they called an attempt to purchase an election. On the other hand, the organization of an entirely new machine for an independent campaign was frightfully expensive. Experienced politicians were perhaps less shocked than they were amused at the wasteful spending by amateur organizers that failed to bring results. The vote for Bennett of scarcely more than one-quarter of the enrolled Republicans, after he had been nominated by them in a direct primary, showed clearly that this device to determine the party will, when it came to dealing with the questions of non-partisan city administration, failed completely to reflect the true sentiment of the Republican voters. The large Hillquit vote carried with it the election of an unprecedented number of Socialists to the Assembly, who in the next session were conspicuous for their lack of sympathy with the war policy of the national administration. Still, the Republicans retained control of the Legislature. In the Assembly were 96 Republicans, a loss of three; 43 Democrats, a loss of six; 10 Socialists, and 1 Independent. Sweet was elected Speaker for his fifth term. Attorney-General Woodbury had resigned on account of ill-health in April, and the Legislature had chosen Merton E. Lewis of Rochester to fill the vacancy. He was nominated by the Republicans in the fall and elected, receiving 696,969 votes against 541,335 for Deval P. Hodson, Democrat; 169,364 for S. John Block, Socialist; and 26,066 for William H. Burr, Prohibitionist. Benjamin N. Cardozo and Chester B.

McLaughlin, nominated by both the Democrats and Republicans for Judges of the Court of Appeals, were elected without significant opposition.

A constitutional amendment extending to all first-class cities the right possessed by New York to exclude water-supply bonds in reckoning their debt limits was adopted, 591,728 for and 420,303 against.

The vote on the Woman Suffrage amendment, which the Legislature passed on again to the people, showed one of the most remarkable reversals of popular sentiment recorded in American politics. In 1915 it was defeated by almost 200,000 majority. Two years later the same constituency adopted it by 102,353 majority. The vote was: For, 703,129; against, 600,776. The declarations of both the major parties in their national platforms of 1916 and the favorable attitude of both Wilson and Hughes doubtless contributed to this overturn. The political machines before had not worked for woman suffrage, even if their platforms commended it. But this year Whitman saw his opportunity to make friends with a new class of voters, and the influence exerted through Chairman Glynn and the State committee was positive in turning the organization for the amendment in districts formerly hostile. Tammany was equally alive to the possibilities of women's friendship, and the Socialists and pacifists who gave Hillquit his great vote for Mayor were almost without exception woman suffragists. The activities of women in the war also awakened a feeling that they should have a more direct share in the government whose burdens they helped to bear. Few of the leaders in the movement

had expected to succeed; through cities and country districts alike the uncalculated tide swept. New York City gave 103,863 for the amendment, after having given 82,755 against it two years before; while the rest of the State reduced its adverse majority from 112,229 to a negative vote of 1,510. Only five counties outside the metropolis were carried in 1915, while twenty-seven were carried in 1917. Only one county, Chemung, passed from the affirmative to the negative in the interval, and only two other counties, St. Lawrence and Schenectady—the latter of which was carried both times,—failed to show a gain in the suffrage as compared with the anti-suffrage vote. Of all the aspects of the result, however, by far the most noteworthy was the great majority for the amendment in New York City.

With the year 1918 the political parties of New York faced the task of adjusting their machinery and their psychological appeals to a new electorate as large as the old, still uncertain in their calculations whether they had merely doubled the number of ballots to be divided substantially along old lines, or had worked a change in the spirit of the State government more profound than that which marked the end of the landholding aristocracy in the Constitution of 1821 and the abolition of all property qualification for white voters in the amendment of 1826.

## CHAPTER XVII

### SMITH SUPPLANTS WHITMAN

1918-1920

UNDER the leadership of Governor Whitman war emergency and social legislation received liberal attention in the session of 1918. Sweet continued in the Speaker's chair, with Assemblyman Simon L. Adler of Monroe as Republican and C. D. Donohue of New York as Democratic leader. Senators Brown and Wagner continued to direct the majority and minority in the Senate. Any attempt to destroy military stores or raw materials was made a crime; a bill was passed to carry into effect the voting privilege for soldiers and sailors; a system of military training was ordered for pupils in public and private schools and colleges; corporations were authorized to contribute to war relief funds; highway work was suspended to release labor for war industry, and a Compulsory Work law was enacted, applying to men between eighteen and fifty. A threatened shortage of ice led to the passage of an act establishing State control, and ex-Governor Odell was appointed to administer it. The growing suspicion of foreign propaganda led to an act requiring all public school-teachers to be citizens. A central purchasing agency for State departments was estab-



lished. The Workmen's Compensation law was extended to include all employments, except farm and domestic service, where five or more persons were employed. Further safeguards were also thrown about the employment of women and children.

An undercurrent of opinion in both parties favored some modification of the Primary law, especially to reëstablish State and judiciary nominating conventions, but the Governor prevented the accomplishment of anything in that direction. He also prevented any vote of the people to express their views for or against the Federal Prohibition amendment, which was passed by Congress and submitted to the States in December, 1917. He made himself the uncompromising champion of prompt ratification by the Legislature, though its members had not been elected with any regard to this issue; and in this stand he had the hearty support of Speaker Sweet. William H. Anderson, chairman of the New York Anti-Saloon League, conducted an able campaign to force ratification, but notwithstanding his effective organization to bring home pressure to bear on legislators, which made prohibitionists of many politicians never before known for their objections to alcohol, he was unable to carry through the amendment at this session. It remained a political utility for the Governor in the fall campaign. The first elections under the new Local Option law had resulted in much new dry territory and indicated the strength of the prohibition movement, which was greatly stimulated by the plea to save grain and conserve man-power for the war.

A special election in four Congress districts in Brooklyn and Manhattan on March 5 to fill vacancies gave the first opportunity for the newly enfranchised women to vote in the State. A special act was passed to permit their registration. The Democrats, as usual, carried all the districts, the women apparently dividing their votes in about the same proportion as the men. About 10 per cent. of the Socialist vote went to the Democrats, suggesting that the Hillquit support had been in considerable measure a vote of protest rather than of Socialist principle.

Governor Whitman as a candidate for a third term had the active support of the State organization under Chairman Glynn and of Speaker Sweet and George W. Aldridge and Francis Hendricks among the old leaders. William Barnes, Senator Wadsworth, Henry W. Taft, a brother of the ex-President, and Elon R. Brown were conspicuous in the opposition. Comptroller Travis had not been one of the Governor's friends, but they joined forces for renomination. The State committee planned not to hold any State convention, a course obviously favorable to Whitman, since it forestalled any possible declaration by representatives of the party for some candidate to enter the primaries against him. Senators Wadsworth and Calder joined in a call for an unofficial Republican assemblage to meet at Saratoga on July 18 on the ground of Glynn's alleged refusal to call a convention. Glynn, denying that he had refused, yielded to the demand of the Senators, and the conference became a convention presided over by J. Sloat Fassett. Theodore Roosevelt

had been invited to address the convention and bravely did so, notwithstanding the news of the death in France of his son Quentin, which came almost as he was starting for Saratoga. He made a characteristic plea for vigorous prosecution of the war, declaring that the minority had supported it more strongly than the party in power, and urged measures for the unification of the American people.

The platform favored universal military training, a literacy qualification for new voters, the submission of a Federal Woman Suffrage amendment, a new Federal Child Labor law avoiding the defects that had just been held to render the first one unconstitutional, and military and economic aid to Russia to save it from Germany and give it opportunity to organize its own republican government. It declared against class legislation, but favored laws to promote coöperation among workmen, small producers, and consumers. With respect to a future society of nations, it adopted views formulated by Nicholas Murray Butler in favor of "a league of nations to establish, from time to time to modify, and to enforce the rules of international law and conduct," thereby indicating a preference for a judicial rather than a political league or "super-state." Opponents of Whitman proposed a plank favoring a referendum on prohibition, but it was voted down.

In his campaign for a renomination Whitman had the prestige of office and the machinery of both the State government and the party in his favor. More important still was the inability of his enemies to bring forward a strong candidate against him. They con-



sidered pushing Judge Cuthbert W. Pound, but, however Judge Pound might have felt about accepting a nomination tendered him by a State convention, he had no disposition to descend from the bench to become a contestant for the nomination in a primary campaign throughout the State. William M. Bennett, fresh from abandonment by the majority of his party in the Mayoralty election, put himself in the field, but retired before the primaries. Attorney-General Lewis undertook the real contest for the opposition. He had the support of Barnes and Wadsworth, but the appeal to local pride and the interests of a faithful follower failed to detach Aldridge from Whitman, much to the disappointment of Lewis's friends. He favored a referendum on prohibition and sought to gather together all the old-line conservative organization elements. He bitterly attacked both Whitman and Glynn, charging misuse of party machinery to force a candidate on the voters.

But before the Saratoga convention met it was clear that his candidacy failed to arouse any popular interest. The convention did not attempt to designate candidates, but a movement was started to bring Theodore Roosevelt into the field, and Francis Hendricks, abandoning Whitman, became its most conspicuous spokesman. Hendricks, however, could no longer control Onondaga county. After his action with respect to Whitman he opposed the return to Congress of Walter W. Magee as a "wet," a title that was repudiated by Magee, and supported Stilwell, a former Progressive. His town and ward leaders refused to follow him and he gave up the leadership that he had so long





FRANK HARRIS HISCOCK

Frank Harris Hiscock, judge; born at Tully, N. Y., April 16, 1856; graduated from Cornell university, 1875; admitted to the bar in 1877 and engaged in practice at Syracuse, N. Y.; elected justice of the supreme court, 5th judicial district, 1896; associate justice of appellate division, 4th department, 1901-1906; judge court of appeals since 1906 and chief judge since 1916; chairman of the board of trustees of Cornell university.





EDWARD SCHOENECK

Edward Schoeneck, lieutenant governor; born at Syracuse, N. Y., August 6, 1875; educated in public schools; compelled by family financial reverses to work in his father's blacksmith shop from the age of 14 to 24 years; studied stenography and worked in a law office to pay his tuition through Syracuse University law school; graduated in 1903 and admitted to the bar the same year; supervisor, 1901; state assembly, 1904-1907; mayor of Syracuse, 1910-1913; candidate for lieutenant governor, 1910; elected lieutenant governor 1914; reelected, 1916.





skillfully and honorably held, saying he did not want to lead an organization swayed by liquor interests, and the management was taken over by F. W. Hammond, Clerk of the Assembly; Lieutenant-Governor Schoe-neck, and Alexander H. Cowie.<sup>1</sup> They were not personally hostile to Hendricks. At eighty-four he was no longer able to wield the scepter. For several years his health had been gradually failing, and he died in June, 1920. In astuteness, moderation, and frugality of speech he had few equals. He was nurtured in the old tradition of political organization, but his influence was on the side of honest administration and what he believed to be good public policies. Barnes also joined in the demand for the ex-President. Lewis at once wrote to Roosevelt urging him to become a candidate and offering to withdraw in his favor. Bennett also announced that he would make no contest against Roosevelt.

For the moment Whitman's adversaries were in high hopes. Enthusiasm for Roosevelt dominated Saratoga and promised to sweep the primaries if he would only permit it. More and more, conservatives and progressives, forgetting 1912 in admiration of his course in the war, were thinking of him as the Republican Presidential candidate of 1920. His election to the Governorship in New York, where the anti-Roosevelt sentiment had been bitterest in the days of the Progressive secession, would, it was argued, work the healing of the old wounds and make the Republican course in the Presidential campaign plain and easy. On the other hand,

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<sup>1</sup>New York *Times*, September 1, 1918.

his closest friends urged that he had nothing to gain by going to Albany, and feared to subject him to the strain of a campaign; for, despite his still abounding energy, keen observers saw that his strength was undermined, though even they did not apprehend that in less than six months the nation would be mourning one of the greatest dynamic personalities in its history. Probably neither physical weakness nor political calculation would have restrained Roosevelt if the call had been in line with the current of his thought, but he was absorbed in problems connected with the war, and a few days after the convention he wrote to Lewis declining to run on the ground that with the war issues continually in his mind he could not, as he had done twenty years before, give his heart to State politics, and saying that the State should have a Governor devoted singly to its affairs.

So the field was left to Whitman and Lewis, Roosevelt taking no part between them. He did not like Whitman, but Lewis was associated with the ultra conservatives who had been the object of his most vehement attacks. His nephew, Theodore Douglas Robinson, became manager of the Lewis campaign, while his close friend and neighbor, William W. Cocks, directed Whitman's forces. Whitman carried the primary by 295,471 votes to 118,874 for Lewis. Lieutenant-Governor Schoeneck was renominated by 226,530 votes to 97,902 for William M. Bennett and 51,648 for Seth G. Heacock. Schoeneck's patriotism was subjected to attack because he had appeared in court in connection with charges of sedition made against a law clerk

employed by his firm, but United States District Judge Ray declared that he himself had summoned Schoeneck, and exonerated him from all blame. Whitman supported Schoeneck, though at one moment he seemed to desire another running-mate, and Heacock's friends charged that Whitman induced their candidate to enter the race and then deserted him. Travis was nominated for Comptroller over Samuel Fraser and John Kissel; Wells for Treasurer over Theodore T. Baylor; and Charles D. Newton for Attorney-General over Alfred L. Becker, who had been active under Lewis in sedition cases. The other nominations were uncontested.<sup>2</sup> Whitman and Travis both entered the Prohibition primaries. William H. Anderson of the Anti-Saloon League supported the Governor, but was unable to obtain the withdrawal of Olin S. Bishop from the contest.<sup>3</sup> Whitman won by 5,855 votes to 5,621 for Bishop, and Travis had 8,266 votes to 2,878 for Claude V. Stowell.<sup>4</sup>

Early in the season conservative Democrats were confronted with the prospect of William R. Hearst as a candidate for Governor. A considerable element in Tammany favored him. He and Mayor Hylan were

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<sup>2</sup>The Republican ticket was: Governor, Charles S. Whitman, New York; Lieutenant-Governor, Edward Schoeneck, Onondaga; Secretary of State, Francis M. Hugo, Jefferson; Comptroller, Eugene M. Travis, Kings; Treasurer, James L. Wells, Bronx; Attorney-General, Charles D. Newton, Livingston; State Engineer, Frank M. Williams, Orange.

<sup>3</sup>New York *Times*, September 1, 1918.

<sup>4</sup>The Prohibition ticket was: Governor, Charles S. Whitman, New York; Lieutenant-Governor, Mamie W. Colvin, New York; Secretary of State, Ella L. McCarty, Onondaga; Comptroller, Eugene M. Travis, Kings; Treasurer, George B. Humphrey, St. Lawrence; Attorney-General, Clarence Z. Spriggs, Onondaga; State Engineer, David B. Passage, Schenectady.

in close sympathy, and if Hearst really sought the nomination Charles F. Murphy would evidently have to accept him, or break with the Hylan administration and cut off his followers from the city patronage.

This situation led a group of up-State Democrats to meet at Troy on March 25, and a committee, consisting of William H. Kelly of Syracuse, William H. Manning of Saratoga, and David F. Lee of Norwich, issued a call for a conference to be held at Syracuse on April 24. There a committee of forty-two was chosen to consider candidates for the party nomination for Governor. This committee met at Saratoga on July 9 with representatives present from every part of the State except New York and Albany. Tammany took no part in the movement, and the Albany organization under McCabe was favorable to Hearst. One informal and five formal ballots were taken, and votes were cast for eleven candidates: William C. Arch Osborn of Putnam, Mayor Harry C. Walker of Binghamton; James W. Gerard, William H. Edwards, and Alfred E. Smith of New York; Charles B. Alexander of Orange, Oscar Irwin of Ulster, Joseph A. Kellogg of Washington, Charles H. Hitchcock of Onondaga, Oliver A. Cabana, Jr., of Erie, and George R. Lunn of Schenectady, the former Socialist Mayor, who had broken with that party because it attempted to dictate his official action and had joined the Democrats. Hearst had no support. On the final ballot the vote was: Osborn, 9; Walker, 8; Gerard, 7; Smith, 6; Alexander, 3; Edwards, 3; Lunn, 1. On the strength of this designation Osborn announced himself a candi-



date. In Tammany a strong movement had started in favor of Smith, but Murphy gave it no open encouragement, and all signs pointed to Hearst's determination to run. State Chairman Harris had announced his approval in April, at the same time speaking favorably of Smith except for the rural prejudice against a Tammany man. Joseph J. Murphy of Troy and Mayor John Fitzgibbons of Oswego openly undertook to bring about the nomination of Smith, Murphy of Troy going so far as to challenge Murphy of New York to stop it. Arthur Brisbane, editor of Hearst's *Evening Journal*, in his Washington paper urged Hearst to run, and on the eve of the Democratic State convention nominating petitions for Hearst were in circulation in a way that suggested the familiar methods of the editor yielding to a call.<sup>5</sup>

No sooner had Judge Joseph A. Kellogg of Glens Falls finished his speech as temporary chairman of the State convention at Saratoga on July 23, than Samuel Seabury was on his feet. Seabury was now at odds with both Hearst and Tammany and sat in the convention with only a half-vote from a Long Island district. Attempts were made to prevent his recognition. When he finally obtained the floor he moved that the convention "repudiate every truckler with our country's enemies who strives or has striven to extenuate or excuse such crimes against humanity as the rape of Belgium, the sinking of the 'Lusitania,' and the German policy of assassination by submarines, who seeks or has sought to sow dissension among our allies, or now seeks

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<sup>5</sup>New York *Times*, April 8, July 2, July 21, 1918.

to capitalize by election to public office the latent treason whose total annihilation is the most pressing need of the hour."<sup>6</sup> This was plainly aimed at Hearst, who had opposed sending troops to Europe even after the United States was in the war, but it was a resolution that no American could possibly vote against, and it was carried unanimously. After this a Hearst designation was out of the question, even if Murphy still intended it, which is doubtful, for the up-State friendship manifested toward Smith gave Murphy a candidate entirely welcome to him without the danger of seeming to force a Tammany nomination.

When nominations were in order William V. Cooke of Albany, who twelve years before had presented Hearst's name to a Democratic convention, named Smith. The only voice raised in opposition was that of Seabury, who declared: "Mr. Smith is the best representative of the worst element in the Democratic party in this State." His statement created an uproar, but it not unfairly presented the feeling toward Smith of many men, Democrats and Republicans, who by conviction or tradition regarded Tammany Hall as a symbol of political wickedness. They liked him and respected him, and praised him in the same breath with which they condemned the organization that he represented. He was the city-bred counterpart of the plow-boy in politics, a product of the East Side of New York, who as Assemblyman and Speaker, and as Sheriff, had won friends by his straightforward simplicity of character as much as by the industry and ability with

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<sup>6</sup>New York Times, July 24, 1918.

which he discharged his duties. On the ballot the vote was: Smith 440½ votes, Osborn ½ (that of Seabury), and blank 3. Seabury then moved to make the nomination unanimous.

The platform dwelt on the success of the Democratic administration in the conduct of the war, contrasting it with the sanitary mismanagement of the Spanish War, reviewed the social legislation promoted by the Democracy, arraigned the Whitman administration for failure to bring about promised economies, demanded a vigorous support of the President by the State government and "no profiteering in power by the Governor," and favored a prohibition referendum, a reduction of the State budget, agricultural development, a check to profiteering, campaign fund publicity, increased support of public schools, coöperation with the national administration in Americanization, water power development, city home rule, public ownership of utilities, extension of the Workmen's Compensation law to occupational diseases, extension of the Labor law to protect women in industry, a Minimum Wage commission with power to fix a living wage for women and minors, the upbuilding of the merit system, and the readjustment of the tax laws to proportion the burden to the benefits received. It also welcomed women to the suffrage, invited them to join the party, and urged the passage of a Federal constitutional amendment for Woman Suffrage.

Osborn refused to accept the convention's designation as binding and carried his fight to the primary, where he received 32,761 votes to 199,752 for Smith. The



other Democratic nominations for State offices were uncontested.<sup>7</sup>

The attitude of the Socialists toward the war caused a split in that party. Many sincere advocates of economic changes along socialistic lines, such as Charles Edward Russell, William E. Walling, J. G. Phelps Stokes, and Professor William P. Montague, were so out of sympathy with the pacifist and pro-German attitude of many of their party leaders that they seceded and formed the Social Democratic League, which, while advocating their industrial and social philosophy, strongly supported the government in carrying on the war. The party maintained its equivocal attitude and cast more votes than in 1916, but fewer in the whole State than were cast for Hillquit in the Mayoralty contest of 1917.<sup>8</sup>

Both Smith and Whitman spoke throughout the State. The Governor attacked Smith as a representative of Tammany, and Smith retaliated with sharp detailed criticism of Whitman's administration, a task

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<sup>7</sup>The Democratic ticket was: Governor, Alfred E. Smith, New York; Lieutenant-Governor, Harry C. Walker, Broome; Secretary of State, Franklin E. Bard, Erie; Comptroller, Bird S. Coler, Kings; Treasurer, Jacob G. Cohen, Westchester; Attorney-General, Charles Morschauser, Dutchess; State Engineer, Dwight B. LaDu, Albany.

<sup>8</sup>The Socialist ticket was: Governor, Charles W. Ervin, Queens; Lieutenant-Governor, Ella Reeve Bloor, New York; Secretary of State, Jessie Wallace Hughan, Kings; Comptroller, James C. Sheahan, Albany; Treasurer, Charles W. Noonan, Schenectady; Attorney-General, Hezekiah D. Wilcox, Chemung; State Engineer, Raymond Wilcox, Bronx.

The Socialist Labor ticket was: Governor, Olive M. Johnson, New York; Lieutenant-Governor, August Gillhaus, Kings; Secretary of State, Edmund Moonelis, New York; Comptroller, Charles E. Berns, Erie; Treasurer, Nadina Kavinoky, Erie; Attorney-General, John Donahue, New York; State Engineer, Joseph Galetta, Rensselaer.



for which he was well fitted from his long experience in Albany. In a statement issued on November 3 he gave a list of Whitman's officials whom he promised to remove for reasons assigned. The sequel throws light at once on the exaggerations of political controversy and Smith's own broad-mindedness in revising prejudiced judgments. Among those marked for dismissal were many who a year after his accession to power were still serving and coöperating with him. Among these were three of the Public Service Commissioners of the Second district, two of the three Industrial Commissioners; George D. Pratt, the Conservation Commissioner; two of the Civil Service Commissioners, one of them having been reappointed by him; and George W. Benham of the Board of Parole.

Just as the campaign was drawing to a close, when attention was largely directed to the State contest and little interest was being taken in the Congress elections by voters who had accepted the President's declaration that politics was "adjourned," the President issued his appeal of October 25 for a Democratic Congress. The Republicans had been basing their campaign on the plea that they had supported the President's war policy more faithfully than many Democratic Congressmen and that without them many of his measures, including the draft, would have failed. They resented with loud denunciation the demand in the name of patriotism that they be indiscriminately set aside as Republicans in favor of Democrats, some of whom had given only half-hearted support to the war. Politics was immediately resumed. Taft and Roosevelt issued a joint plea

to the people for a Republican Congress to check one-man power in peace-making and reconstruction, which, it was charged, was what Wilson wanted, for in his letter he conceded that the Republicans had supported the war but not his administration. His appeal failed of its purpose, if, indeed, it did not turn the tide against the Democrats. The Republicans gained control of both houses of Congress, the Senate by a narrow and the House by a substantial margin. In four districts in New York the Republicans and Democrats combined on three Democrats and one Republican to defeat Socialists opposed to the administration's war measures, whose election was otherwise probable. The New York delegation as a result stood: Republicans, 24; Democrats, 19.

Notwithstanding the aid of the Prohibitionists Whitman was defeated by 15,108, largely through the heavy anti-prohibition vote for Smith in the first and second-class cities. Whitman received 956,034 Republican and 38,794 Prohibitionist votes, making a total of 994,828, while Smith received 1,009,936, Ervin (Socialist) 121,705, and Johnson (Socialist Labor) 5,183. The count was in doubt for some days, and Whitman started out to obtain a recanvass, but in December gave up the contest. Walker won the election for Lieutenant-Governor, receiving 965,471 votes to 930,066 for Schoeneck, 130,206 for Bloor (Socialist), 48,142 for Colvin (Prohibitionist), and 5,605 for Gillhaus (Socialist Labor). The Republicans carried the rest of their State ticket by pluralities ranging from 12,563 for Newton to 188,975 for Wells. The Senate stood 29 Republicans

and 22 Democrats, and the Assembly contained 94 Republicans, 54 Democrats, and only 2 Socialists, as against 10 the year before. Two women, Ida B. Sammis of Suffolk, Republican, and Mary M. Lilly of New York, Democrat, were elected to the Assembly. They were the pioneers among women legislators in New York.

Three constitutional amendments were submitted. One restricted the period of a State debt to the probable life of the work for which it is incurred, in no case more than 50 years, and authorized the payment of bonds in annual installments by direct tax or legislative appropriation; it was approved by 780,099 to 285,977. The second, to permit the construction of a State highway through the Forest Preserve, was adopted by 756,894 to 337,257. The third, authorizing the sale of the abandoned Erie canal-bed in Utica, was carried by 722,235 to 310,992. The people also approved, 769,162 to 267,916, a proposition relating to the use of unexpended balances for highway improvement.

On entering the Executive chamber Governor Smith found himself politically isolated. Both the Legislature and the elective State departments were in the hands of the opposition. Many of the appointive officers held over, and some who he felt were doing good work he continued. Sweet remained in the Speaker's chair and J. H. Walters of Syracuse became President *pro tem.* of the Senate in place of Elon R. Brown, who did not return to Albany. The Legislature allowed the Governor to reorganize the Public Service commission in the First district as he wished,



abolishing the five Commissioners and putting in their place two Commissioners, one with jurisdiction over rapid transit construction and the other to regulate metropolitan utilities. The Governor also obtained legislation to regulate the running of elevators by women, but the great body of his measures failed, including the minimum wage and health insurance plans, and the municipal ownership project, for which the Hylan administration had more enthusiasm than either the Governor or Lewis Nixon, his metropolitan Public Service Commissioner. Early in his administration Smith encountered the hostility of Hearst, and in reply to violent newspaper attacks denounced the editor and his motives and methods with extreme bitterness.

The necessary number of States had ratified the Prohibition amendment on January 16, before its advocates in New York were able to obtain action. Then the desire to get on the winning side prevailed, and on January 23 the Assembly ratified, 81 to 66, eleven Republicans and all the Democrats opposing. On January 29 the Senate concurred, 27 to 24, two Republicans joining the solid Democratic opposition. With war prohibition already enacted and soon to come into effect, and the constitutional prohibition to follow, the State faced a serious financial problem, involving as it did the loss of liquor taxes to both State and local governments. To meet this emergency an inter-party agreement was made to pass an Income Tax law, despite the protests of Comptroller Travis that it was unnecessary. This method of dividing responsibility for an unpopular measure by lining up Democrats and Republicans in



both houses was natural under the circumstances, but it is a precedent fraught with danger. It tends to make responsible party government impossible, by depriving the voters of any chance to bring any group of their representatives to account by turning to the opposition. It constitutes an evasion by a party in power of the duty to pass with courage the laws that it believes necessary and abide the consequences. The Income Tax law imposed a levy of 1 per cent. on incomes up to \$10,000, 2 per cent. on amounts beyond \$10,000 and up to \$50,000, and 3 per cent. on any excess. The proceeds were divided between the State and its subdivisions.

The popular feeling growing out of the war that a curb should be put upon seditious and anarchist propaganda led to the appointment in March of a joint legislative committee, under the chairmanship of Senator Clayton R. Lusk, which sat through the summer investigating the sources and character of the revolutionary movement in the State and its association with foreign organizations seeking the overthrow of American constitutional government. The Lusk committee gave much attention to the activities of the Russian Soviet government here, and to ultra-radical education, particularly to the Rand School of Social Science in New York City.

Governor Smith called a special session of the Legislature to deal with the Federal constitutional amendment for woman suffrage, which had passed the House of Representatives on May 21 and the Senate on June 4. The Legislature met on June 16 and ratified the amendment without a dissenting vote in either house,

though Senator Sage asked to be excused from voting, as he had been a consistent opponent and thought the extra session unnecessary as the regular session could act in ample time for the next Presidential election.

No State officers were to be chosen in 1919, and interest centered on local contests. The Republicans carried the Assembly by an increased majority, electing 110 members, while the Democrats elected 35, a decrease of 19. The Socialists greatly increased their vote from 1918, casting about 125,000 in New York City and falling only 20,000 below their great vote for Hillquit in 1917. They increased their membership in the Assembly from two to five. Neither of the women members of the Assembly of 1919 returned, but two new women were chosen, Elizabeth V. Gillette, Democrat, of Schenectady, and Marguerite L. Smith, Republican, of New York. The Republicans nominated Mrs. Sammis, but she was defeated largely by the votes of dissatisfied women.

A sweeping change of opinion from that which gave Mayor Hylan his large plurality two years before enabled the Republicans to carry not only the city of New York but the borough of Manhattan. For President of the Board of Aldermen to fill the vacancy caused by the promotion of Governor Smith they nominated Congressman Fiorello H. LaGuardia, a self-made product of the Italian immigration, who had a brilliant record as an officer on the European firing line. He defeated Robert L. Moran, the Democratic candidate, by a narrow margin. For a vacancy caused by the death of President Dowling of the

borough of Manhattan the Republicans named H. H. Curran and elected him by 9,000 over E. F. Doyle, the Democratic candidate. They were assisted by the feeling aroused by Charles F. Murphy in denying a renomination for the Supreme Court to Justice Joseph E. Newburger, a respected Democrat. He seemed to have forgotten how Richard Croker courted disaster for his general ticket by similar treatment of Justice Daly, and he gave the nomination to Irwin Untermyer, a son of Samuel Untermyer. The Republicans adopted Judge Newburger and elected him and Philip J. McCook, over Untermyer and Robert L. Luce, by 20,000 plurality for McCook and 58,000 for Newburger over their leading opponent. In Brooklyn an odd situation was presented by the candidacy of Reuben L. Haskell on the Republican ticket for County Judge on an anti-prohibition issue. This came about from attacks on him as a "wet" in the primary campaign, and he turned and capitalized the charge, though his views on the subject could have no relation to his judicial duties. He and his associate, Norman S. Dike, were both elected by more than 60,000 plurality over their Democratic opponents; but to such an extent was independent voting carried that the Democrats elected their candidate for Surrogate, George A. Wingate, in whose fate the Democratic leader, John H. McCooey, was especially interested since his own clerkship in the Surrogate's Court was at stake.

Four constitutional amendments were submitted. One, to facilitate the drainage of swamp and agricultural land, was adopted by 718,497 votes to 590,235.



An amendment enabling the Legislature to provide for voting by persons unavoidably absent from home on election day (proposed for the benefit of commercial travellers), was adopted by 791,860 votes to 534,452. One, to increase the salaries of Senators and Assemblymen, was defeated, 625,897 votes for and 680,945 against; and another, to increase salaries of Judges of the Court of Appeals, was defeated, 608,244 votes for and 690,131 against, although newspaper opinion throughout the State had been strongly in favor of this measure of justice to men paid less than some Judges of lower courts whose opinions they review.

In the Legislature of 1920 Walters continued as President *pro tem.* of the Senate and Sweet was elected Speaker for his seventh consecutive term. No sooner was the Assembly in session than the question of dealing with the ultra-radical political groups was precipitated on the State by a resolution to investigate the fitness of the five Socialist members to sit in the house and to suspend them pending inquiry by the judiciary committee. These assemblymen were August Claessens and Louis Waldman of New York, Charles Solomon of Kings, and Samuel A. DeWitt and Samuel Orr of Bronx. The charges against them were that they were disloyal, belonged to an organization that sought to subvert fundamental American institutions even by the use of force, and that they were not free agents, as the rules of their party bound them to obedience to its mandates in the performance of their official duties and required them to place their resignations in the hands of the party authorities to use if they were dis-





ALFRED EMANUEL SMITH

Alfred Emanuel Smith, 45th governor; (1919-1920); born in New York City, December 30, 1873; clerk in the office of the commissioners of jurors, New York City, 1895-1903; member of the state assembly, 1904-1915; speaker of the assembly, 1915; delegate to the constitutional convention, 1915; sheriff of New York county, 1915-1917; president of the board of aldermen New York City, 1917-1919; governor 1919-1920; defeated for re-election by Nathan L. Miller, November 2, 1920.





ROBERT LANSING

Robert Lansing, statesman; born at Watertown, N. Y., October 17, 1864; graduated from Amherst, 1886; admitted to the bar, 1869; counsel for the United States in the Behring sea arbitration, 1892-1893; counsel for the United States Behring sea claims commission, 1896-1897; solicitor and counsel for the United States under the Alaskan boundary tribunal, 1903; counsel for the North Atlantic coast fisheries arbitration at The Hague, 1909-1910; agent of the United States in American and British claims arbitration, 1912-1914; counselor for the department of state from March 20, 1914 to June 23, 1915; secretary of state in the cabinet of President Wilson, June 23, 1915 to February, 1920; member of the American commission to negotiate peace at Paris, 1918-1919.





loyal. As these men had already taken the oath of office the right to suspend them was challenged, though there could be no question of the legal right of the Assembly to expel in its discretion. Both parties joined in passing the resolutions. To the defense of the suspended members came a large number of conservatives, who had absolutely no sympathy with socialism as a political philosophy, much less with any ideas of "direct action" to accomplish changes in government, but who argued that any man had a right to advocate constitutional changes however extreme or foolish, that the conservative answer to radical agitation had always been that the American system gave them a free chance to seek the accomplishment of their ideals through the ballot-box, and that the expulsion of these men would tend to make that freedom seem delusive and encourage radicals to think force their only weapon for the redress of grievances. Chief among these men was Charles E. Hughes, who carried the New York Bar Association with him in support of this view. On the other side William D. Guthrie was conspicuous.

The judiciary committee considered the case until March 30, when seven of its thirteen members recommended the expulsion of all five of the Socialists on the ground that they were disloyal to the nation and the State and belonged to "a disloyal organization composed exclusively of perpetual traitors" intent on overthrowing the government. They also recommended legislation denying the Socialists the status of a political party with a place on the official ballot. The fact that the party was affiliated with foreign organizations and

was made up partly of foreigners, who by its organization thus became in a measure the masters of American lawmakers, was considered by the conservatives a ground for such action, in addition to what they regarded as the dangerous and unpatriotic policies of the party. One member of the committee recommended the seating of Orr and De Witt, on the ground that they had not personally taken any of the actions or made any of the speeches complained of as showing disloyalty to the Constitution, and the expulsion of the others. Four members recommended that all five be seated for lack of legal authority to expel them for their policies. All were expelled. In the case of Claessens, Waldman, and Solomon, the vote was: For expulsion, 96 Republicans and 19 Democrats; against, 11 Republicans and 17 Democrats. Among those opposed was Theodore Roosevelt, the son of President Roosevelt. With respect to the other two, De Witt and Orr, against whom there was no proof of overt personal acts of disloyalty charged against the three first mentioned, the vote for expulsion was 89 Republicans and 15 Democrats; against, 20 Republicans, including the floor leader Adler, and 20 Democrats.

A sequel to the expulsion of the Socialists was the passage of a series of measures, prepared as a result of the Lusk investigation, to curb radical propaganda. These provided a fund for the Attorney-General to hunt sedition, established training courses for teachers of patriotism to be sent into industrial establishments, forbade all private teaching outside of certain classes of institutions, among them those conducted by "well-

recognized" religious denominations, except in schools licensed at the pleasure of the Regents of the University, and compelled all public school-teachers to prove to the Regents their loyalty. All of these measures the Governor vetoed after the adjournment. He did not approve of a bureaucracy with despotic powers over all instruction, even by a music teacher or tutor in a private class, such as these bills would have made possible. He vetoed a bill to change the procedure of taking the oath in the Legislature, so that the censorship might be exercised before the members were sworn in. He also disapproved of the bill aimed to exclude the Socialists from the ballot, which gave the Appellate division in the Third department power to determine whether a body's principles and organization entitled it to recognition as a political party.

The Legislature passed and the Governor signed the Walker bill allowing the manufacture and sale, to be drunk away from the place of sale, of beer containing 2.75 per cent. alcohol, although the United States Supreme Court had not then passed on the validity of any such variation from the one-half of 1 per cent. limit of the national Prohibition law—a limit it sustained a few weeks later. Measures intended to stop profiteering in rents, caused by the unprecedented increase of charges under the congested housing conditions in the cities of the State, became laws, and a referendum was adopted on a proposal to give \$45,000,000 in bonuses to New Yorkers who served in the war with Germany.

Governor Smith was unable to carry out his program of industrial legislation, which included a

Minimum Wage commission measure and an Eight-hour bill for women and children. He proposed an administrative reorganization scheme providing an executive budget, a four-year term for the Governor, and more State departmental heads appointed by the Governor. The Legislature refused to follow his lead, but took the first steps toward submitting to the people some alternative constitutional amendments for the consolidation of departments. Thus after five years some of the most important proposals of the Constitutional convention of 1915 were revived through a Democratic Governor who led his party in withdrawing from the antagonism it had manifested to them; while the Republican party reversed its previous policy. Just as much of the at-first rejected work of the Constitutional convention of 1867 was in the course of a few years accepted piecemeal with the aid of both parties, so the constructive work of 1915 continues to exercise its influence in the reorganization and conduct of the government of the State.

The Governor called an extraordinary session of the Legislature for September 20 to consider chiefly the housing situation in New York City. At a special election held for filling vacancies caused by the expulsion of the five Socialists all were reëlected. At this session the Socialists Waldman, Solomon, and Claessens were again expelled by the Assembly—the vote being: For expulsion, 73 Republicans and 17 Democrats; against, 28 Republicans and 17 Democrats. The Assembly refused to expel DeWitt and Orr on the ground that, the Socialist party having amended its constitution so as to



permit members who were public officers to exercise their individual judgment in the performance of their official duties, there was no longer any ground for complaint against such members. The vote stood: For expulsion, 37 Republicans and 11 Democrats; against, 63 Republicans and 24 Democrats. After the vote, however, these two members resigned.

During this special session of the fall of 1920, the Legislature passed and the Governor signed a series of measures for the relief of tenants. One repealed the law passed at the regular session recognizing twenty-five per cent. increase in rent during the year as fair, in the absence of proof to the contrary. Another permitted a tenant sued for non-payment to set up the defense that the rent was not reasonable and required the landlord to show his costs to prove that it was. The maintainance of summary proceedings was suspended for two years so as to leave tenants secure in their homes except as it might be proved in the Supreme Court that they were objectionable or that the owner (not a corporation) wished to occupy the property himself or to demolish it for a new building on approved plans. New York City was authorized to exempt from local taxation, for ten years, new apartment buildings meeting prescribed regulations. Mayor Hylan sought authority to lend sinking fund moneys for new home-building up to 80 per cent. of the value of the securing property, but this measure was defeated.

The Legislature also appointed a special joint committee, which came to be known as the Lockwood committee, to investigate the housing troubles. This

committee, with Samuel Untermyer as its counsel, took a large volume of testimony through the autumn and brought forth sensational disclosures of combinations, involving both contractors and labor union leaders, to advance building costs on both public and private buildings and to levy blackmail upon property owners. Many indictments followed, and the work was well under way at the end of the year.

## CHAPTER XVIII

### THE CAMPAIGN OF 1920

THE first unofficial State convention in preparation for the Presidential campaign was held by the Republicans in New York City on February 18, with Elihu Root as temporary and John Lord O'Brian as permanent chairman. In his speech Root pictured the evils of class rule, declaring that the chief enemy of democracy was not the arbitrary rule of a monarch but the cruel and relentless domination of a class bent on exploiting all not of its own group. He called for the ending of the war powers of the administration and criticised the President's attitude toward the Senate with respect to the League of Nations covenant. The platform favored the ratification of the treaty with the Senate reservations, opposed Article X of the covenant, and favored the establishment of an international court. It urged the ratification of the Federal Suffrage amendment and the establishment of an Industrial Relations commission to prevent strikes and assure labor a share in determining the conditions of its own employment. It favored the reduction of public expenditures, revision of the tax laws "to promote enterprise and not hinder it," a national budget system, private ownership of railroads and of the merchant marine, a small standing army with a trained

reserve, and the reorganization of the Federal Trade commission, which, it declared, had "persecuted, not promoted, trade." It claimed credit for the Republican party for hearty support of the government in the war and for passing the Selective Draft law. This platform was mainly the work of Nicholas Murray Butler, chairman of the committee on resolutions, who was a candidate for the Presidency. As Elihu Root was about to go to Europe, he declined to be a delegate to the national convention, and the delegates-at-large recommended were James W. Wadsworth, Jr., William M. Calder, Nathan L. Miller, and William Boyce Thompson. These were all chosen at the April primary, the only opposing candidate being William M. Bennett, who made a campaign directed chiefly against Thompson.

Though New York had a candidate for President in Nicholas Murray Butler, the sentiment of the delegation and of the voters behind it was much divided. An active campaign had been waged in behalf of General Leonard Wood, and he had a strong following that refused to fall in with the plan to give the delegation to Butler, for at least a few ballots. Governor Lowden of Illinois was the favorite of most of the organization leaders who were opposed to Wood. Herbert Hoover, who at first appeared as a candidate of no party and as such received the enthusiastic support of the Democratic New York *World*, but later aligned himself with the Republicans, had a considerable popular following though little support among the delegates. Governor Coolidge of Massachusetts and Senator Harding of Ohio had a few friends in the delegation, who con-



sidered them eligible "dark horses." Sixteen States had direct Presidential preference primary laws, but no complete list of candidates mentioned was printed on the ballots. In some cases only two candidates actively contesting a State were on the ballot, and in others a single name appeared. In Pennsylvania the only printed name on the Republican ticket was that of Governor Sproul, who received 250,000 votes, while about 11,000 voters wrote the name of Hiram Johnson and about 4,000 that of General Wood. Similar conditions prevailed in the Democratic primaries. Therefore the expression of popular preference became a farce in both parties, and the selection of candidates necessarily became a matter of convention adjustment in the old fashion; for nobody, Democrat or Republican, had any authentic mandate.

The Republican national convention assembled in Chicago on June 8. Henry Cabot Lodge was both temporary and permanent chairman. Ogden L. Mills of New York, who had taken the lead in a movement for the tentative formulation of platform suggestions based on consultation with Republicans of all classes, was a candidate for chairman of the committee on resolutions, but was defeated by Senator James E. Watson of Indiana. The chief struggle over the platform turned on the attitude of the party toward the League of Nations. Senator Hiram Johnson, a leading candidate for the Presidency, bitterly opposed the whole treaty and in that stand was supported by Senator Borah. The "mild reservationists," led by Senators Kellogg and Lenroot and powerfully aided by Win-

throp Murray Crane, demanded a platform favoring the treaty with reservations. Johnson and Borah opposed the indorsement of even a modified treaty, and fears of a bolt were entertained. Finally Senator Lodge, who had led the Senate fight for the reservations that the President refused to accept, forced a compromise. The "irreconcilables" yielded as to form, provided no specific reference be made to ratification even with reservations, and a plank was agreed upon which adopted the language of Elihu Root. It read:

"The Republican party stands for agreement among the nations to preserve the peace of the world. We believe such an international association must be based upon international justice, and must provide methods which shall maintain the rule of public right by the development of law and the decision of impartial courts, and which shall secure instant and general international conference whenever peace shall be threatened by political action, so that the nations pledged to do and insist upon what is just and fair may exercise their influence and power for the prevention of war. We believe that all this can be done without the compromise of national independence, without depriving the people of the United States in advance of the right to determine for themselves what is just and fair when the occasion arises, and without involving them as participants and not as peace-makers in a multitude of quarrels, the merits of which they are unable to judge."

The plank declared that the covenant signed by President Wilson signally failed to accomplish this, and that the "unfortunate insistence of the President upon having his own way without change and without any regard for the opinion of the majority of the Senate, which shares with him in the treaty-making power," forced the Senators to vote according to their own judgment on the treaty as presented. It held that in so doing they per-

formed their duty faithfully, and added: "We pledge the coming Republican administration to such agreement with the other nations of the world as shall meet the full duty of America to civilization and humanity in accordance with American ideals and without surrender of the right of the American people to exercise its judgment and its power in favor of justice and peace."

In other respects the platform excited little contest. Eamon de Valera, the putative Irish President, was in Chicago and with his friends sought to secure a resolution for the recognition of the Irish republic. The committee drafted a resolution of sympathy, which he pronounced of no value to his cause, and at the last it was dropped from the platform. The instrument was severe in its indictment of the national administration, charging it with unpreparedness for war and unpreparedness for peace and with waste in not dismissing place-holders after the war, and promised "to undertake to end executive autocracy and to restore to the people their constitutional government." It favored coöperation of capital and labor, denied the right to strike against the government, advocated measures to safeguard public employes and to establish public tribunals for the investigation of labor disputes affecting public utilities, opposed government ownership of railroads, and called for simplification of taxation, an executive budget, and reorganization of Federal departments. It contained a strong pronouncement for constitutional free speech, free press and assembly, and, perhaps with a view to the case of the expulsion of the New York Socialists, for the sacred right of the qualified voter to

be represented by his duly chosen representative, but added that no man might advocate resistance to the law or violent overthrow of the government. Declaration was made that aliens were not entitled to agitate against the government and immigration should be limited to the number and character that could be assimilated. President Wilson's request for permission to accept the mandate for Armenia was attacked as tending to throw the United States into the maelstrom of Europe, but a liberal foreign policy was promised. The platform also criticised the President's Mexican policy and declared that no Mexican government should be recognized unless it should be able and willing to guarantee the lives and property of American citizens. The party reaffirmed its belief in protection but declared that owing to the world situation no definite policy could be formulated. This platform was adopted without objection except from Wisconsin, which proposed a platform with characteristic LaFollette views, including a radical anti-League plank.

Several New Yorkers participated in placing the candidates in nomination. Ogden L. Mills presented the name of Butler, and Helen Varick Boswell seconded it. Nathan L. Miller nominated Hoover. Mrs. Douglas Robinson, a sister of Theodore Roosevelt, seconded Wood. Jules S. Bache seconded Senator Poindexter of Washington.

From the beginning of the convention it was clear that General Wood had the largest number of delegates, though not enough to win unless he should receive considerable accessions. His friends were confident of



securing the nomination after the preliminary demonstrations for favorite sons. Congressional investigation into pre-convention expenditures, however, had shown the use of such large sums of money in his behalf that many of the astute leaders of the party were convinced that his choice would be a grave blunder. They were inclined to look with favor on Governor Lowden, but the money cry was also raised against him because a contribution that he had intended for general publicity work in Missouri had been retained by a follower who was himself chosen a delegate; moreover, he faced a bitter factional fight in his own State through the antagonism of Mayor Thompson of Chicago. Knox of Pennsylvania was a favorite with the Senatorial group, and on account of his strong anti-treaty views enjoyed the friendship of Johnson, but he had really no affirmative following. While Governor Coolidge and Governor Sproul were much discussed in the search for a compromise candidate, neither appealed to the delegates as possessing exceptional availability. In the newspapers Hughes was favorably mentioned, and substantial support was given him in the popular straw votes, notably the *Literary Digest* poll, but he had declined to be a candidate and had no organization or even personal representative in Chicago.

On the first eight ballots the contest was between Wood and Lowden for first place, with the final result that they were practically tied though neither was able to draw sufficient votes from the remaining candidates to show any prospect of overcoming the initial disadvantage of strong and resolute opposition. The conven-

tion, under the guidance of its leaders, then turned to Warren G. Harding of Ohio as the most acceptable and available man, and he was nominated on the tenth ballot by  $692\frac{1}{5}$  votes out of a total of 984.

The New York delegation on the first ballot voted as follows: Butler, 68; Wood, 10; Hoover, 3; Coolidge, 2; Harding, 2; Lowden, 2; Poindexter, 1. Harding's two supporters were George W. Aldridge and his fellow-Rochester delegate, James L. Hotchkiss. Nathan L. Miller, Otis H. Cutler, and William L. Ward voted for Hoover. Butler's only votes outside of New York were 1 from Kentucky and  $\frac{1}{2}$  from Texas. Before the ballot Butler had disavowed a desire to be considered a mere favorite son. He wanted no complimentary vote for a few ballots while the delegates were "feeling out" the situation and deciding where to throw their effective strength, but only the support of those who believed that the convention might ultimately prefer him and who were prepared to stand by that conviction. Nevertheless, the tactical situation required that the leading candidates should be kept at a substantial equality if a deadlock was to be effected and any minor candidate nominated. So after the first ballot the Butler votes had to be thrown in increasing measure to Lowden to offset the Wood strength.

Butler received on the second ballot 41 votes—40 from New York and 1 from Texas; after that his support was confined to his own State, declining to 25 on the third ballot, 20 on the fourth, 4 on the fifth and sixth, and 2 on the seventh, eighth, ninth, and tenth. On the final ballot New York voted: Harding, 68;

Wood, 6; Hoover, 4; Coolidge, 4; Lowden, 3; Butler, 2; Lenroot, 1. Miss Katherine Hammer (Butler's alternate) and William Boyce Thompson stood with Butler to the last. The Lenroot vote was cast by F. H. LaGuardia. Hoover was voted for by Nathan L. Miller, William L. Ward, Arthur W. Lawrence, and George M. Champlin. Elon R. Brown, Henry M. Sage, and Perry G. Williams were for Coolidge. Robert L. Bacon, Henry L. Stimson, George Henry Payne, Lansing G. Hoskins, Otis H. Cutler, and John Taber supported Wood. Herbert Parsons, William J. Tully, and John W. Dwight voted for Lowden.

Calvin Coolidge of Massachusetts was nominated for Vice-President on the first ballot. New York voted: Coolidge, 59; Lenroot of Wisconsin, 21; Allen of Kansas, 8.

The Democrats held their unofficial State convention at Albany on February 26, under the chairmanship of Francis P. Cullen of Oswego. It proposed Alfred E. Smith of New York, Elizabeth Marbury of New York, Harriet May Mills of Syracuse, and Louis E. Desbecker of Buffalo as delegates-at-large to the national convention, and adopted a platform that dwelt on the progressive legislation given the country by the national administration, especially the Federal Reserve, Farm Loan, and Parcel Post systems, its taxation methods, and its work in the war; advised immediate ratification of the treaty of peace and the League covenant; favored revision of the tax laws; commended the administration of Governor Smith in general, and in particular his

calling of a special session to ratify the Woman Suffrage amendment; declared unalterable opposition to prohibition by Federal amendment, which it pronounced an "imposition of ideas of an active minority against the wishes of the great majority and an intolerable interference with State rights"; and recommended a referendum for all future constitutional amendments. The referendum proposal was offered by George R. Lunn as a substitute for the anti-prohibition plank, but the convention by a large majority refused to expunge that plank and merely added the demand for the referendum.

At the primaries the suggested delegates-at-large were chosen without contest. The sentiment in the State was divided as to the Presidential nomination. George R. Lunn and Franklin D. Roosevelt led the supporters of McAdoo, but the majority of the delegation were opposed to McAdoo and believed to favor Cox ultimately. Tammany announced its intention to enforce the unit rule despite the strong objection of Lunn.

At a meeting of the State delegation in Albany on May 7 it was decided to recommend to the national convention a declaration for universal disarmament, and a resolution favoring the enforcement of the Eighteenth amendment was ruled out of order. Governor Smith was chosen chairman of the delegation. Lunn made an attack on the unit rule and declared that he would vote for McAdoo in spite of it. Thomas F. Conway supported him, and Samuel Seabury made a speech attacking Murphy. Nevertheless, the delegation





NATHAN L. MILLER

Nathan L. Miller, 46th governor (1921——); born at Solon, Cortland county, N. Y., October 10, 1868; graduated from Cortland normal school; studied law, was admitted to the bar and practiced in Cortland; state comptroller, 1902-1903; justice of the supreme court in the 6th judicial district, 1903-1913; appointed designate judge of the court of appeals, January 1, 1913; resigned to become general counsel to the Solvay Process company, August 1, 1915; delegate to republican national convention 1920; elected governor, November 2, 1920.





JOHN F. HYLAN

John F. Hylan, mayor of New York City; born on a farm in Hunter, Greene county, N. Y., April 20, 1868; educated in public schools; received the degree of bachelor of laws from the New York law school, 1897; admitted to the bar in 1897 and began practice in Brooklyn; candidate for municipal judge, 1905; city magistrate, 1906-1914; appointed judge of the county court of Kings county, 1914 and elected, 1915; elected mayor of New York City, 1917 and reelected in 1921.





by a vote of 64 to 8 adopted the rule as consistent with the historical policy of the New York Democracy.

The Democratic national convention opened in San Francisco on June 28. Homer S. Cummings of Connecticut was temporary and Joseph T. Robinson of Arkansas permanent chairman. The supporters of the Wilson administration were in full control. On the subject of the peace treaty the platform favored immediate ratification without reservations that would impair the essential integrity of the League of Nations covenant, but announced that the party was not opposed to reservations "making clear or more specific the obligations of the United States." Help for Armenia was favored, but without allusion to the President's mandate proposal. The high cost of living was declared to be due to the war, to inflation of foreign currency, and to profiteering, and the Republican majority in Congress was condemned for not restoring peace conditions. With reference to labor, the principle of collective bargaining was approved and there was general sympathetic expression concerning the claims of the working classes, but with respect to the government service the right of the people was held to be superior to the right to strike. The Republicans were condemned for not revising the war tax laws; Woman Suffrage was indorsed; a fair test of the Esch-Cummins act restoring railroads to private operation was advocated; belief in tariff for revenue only was reaffirmed, and a budget system was favored. The duty of the United States with reference to Mexico was declared to be recognition and assistance when that country should establish a govern-

ment able to maintain law and order. Sympathy was expressed for the Irish in their aspirations. The convention adopted a new rule providing for equal representation of women with men on the party's national committee. The unit rule was abrogated so far as concerned States having mandatory statutes for the selection of delegates by districts, except where by law delegates were subject to instructions from a State convention.

William J. Bryan undertook to have the convention pronounce for "bone dry" prohibition and also for the acceptance of such reservations respecting the League of Nations as should prove necessary to suit the Senate majority and to secure ratification of the treaty. He was defeated in both endeavors. The vote of the New York delegates on his prohibition plank was 3 in favor to 87 against. W. Bourke Cockran offered a resolution in the interest of permitting the use of beer and wine, which the New Yorkers supported by 78 to 12 but which the convention rejected by 726½ nays to 356 ayes. The Democratic platform, like the Republican, was consequently silent on the liquor question. A radical Irish plank was proposed but voted down, eighty of the New York delegates being for it. The platform as reported was adopted without change.

The leading men proposed for the Presidential nomination were William G. McAdoo of New York, A. Mitchell Palmer of Pennsylvania, and James M. Cox of Ohio. Mr. McAdoo in positive terms announced his unwillingness to be a candidate, but his followers persisted in urging his nomination and maintained

remarkable strength throughout the balloting.<sup>1</sup> Three other New Yorkers were placed in nomination: the Governor of the State, Alfred E. Smith; Francis Burton Harrison, Governor-General of the Philippine Islands; and James W. Gerard, former Ambassador to Germany. Governor Smith's name was presented in an eloquent address by Cockran, and seconding speeches were made by Franklin D. Roosevelt and Mrs. Lillian B. Sire. There was a demonstration—spontaneous and wholehearted; but it was well understood that the voting support given the Governor would be essentially complimentary and that it was quite impossible that he could prove a strong competitor for the prize. The other New York candidates, Harrison and Gerard, were named, respectively, by Miss Bessie A. Dwyer, a delegate from the Philippines, and U. S. G. Cherry of South Dakota. Both these latter candidates were without substantial following, and the few votes that they received at the start not only failed to increase but soon went to others.

In the long and exciting struggle for the nomination the course of the New York delegation coincided with general expectation. Governor Smith at first received

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<sup>1</sup>Not since the Republican convention of 1880, with its famous 306 for Grant, has an ultimately unsuccessful candidate before a national nominating body received such consistent and unflinching support as that given McAdoo. Clark's vote in the Democratic convention of 1912 showed great lasting strength, but steadily declined as the fight drew to its finish. On the other hand, the vote for McAdoo, while at times falling off, soon mounted again after each ebb and even rose higher than it had previously stood. On the first ballot it was 266, on the second 289, on the third 323½, and on every subsequent ballot up to the last was in the three and four hundreds—the high mark, 467, being reached on the fortieth. On the final ballot it was 269, three more than on the first.

its solid vote,<sup>2</sup> but on the seventh ballot he was dropped, Cox becoming the favorite of a large majority of the delegation, although the unit rule was not enforced. The vote of New York on the seventh ballot stood: Cox, 68; McAdoo, 16; Palmer, 2; Gerard, 2; John W. Davis, Ambassador to Great Britain, 1; Champ Clark, 1. The vote for Davis was cast by Franklin D. Roosevelt, who unsuccessfully sought to carry with him other friends of McAdoo. Davis was urgently advocated by the *New York Times*. Following the seventh ballot the steadiness of the support accorded Cox by the major part of the New York delegates was a marked feature of the contest. But the McAdoo men in the delegation (conspicuous among whom were Cockran, Lunn, and John Pallace of Rochester) stood firm, and even on the final (forty-fourth) ballot, resulting in the triumph of Cox after the roll-call showed his near approach to the necessary two-thirds, they retained their full strength. The vote was: Cox, 702½; McAdoo, 266½; Palmer, 1. The New York vote was: Cox, 70; McAdoo, 20.

Franklin D. Roosevelt, who had been talked of as running-mate for Davis in case of a compromise on the Ambassador, and was equally available with a Presidential candidate from Ohio or any other State but New York, was named to the convention for Vice-President by T. L. Ansberry of Ohio (a delegate from the District of Columbia), Governor Smith seconding. Thereupon the other candidates whose names had been

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<sup>2</sup>Governor Smith's vote on the first ballot: New York, 90; Alabama, 2; California, 1; Illinois, 5; Massachusetts, 7; Rhode Island, 2; Vermont, 1; Wisconsin, 1. Total, 109.



presented were withdrawn, and Roosevelt was nominated by acclamation.

Other national tickets put in the field were: Prohibition party—Aaron S. Watkins of Ohio and D. Leigh Colvin of New York; Farmer-Labor party—Parley P. Christensen of Utah and Max S. Hayes of Ohio; Socialist party—Eugene V. Debs of Indiana and Seymour Stedman of Illinois; Socialist-Labor party—William W. Cox of Missouri and August Gillhaus of New York; Single Tax party—Robert C. Macauley of Pennsylvania and Richard C. Barnum of Ohio.

The unofficial Republican State convention met at Saratoga on July 27 with David J. Hill as temporary and William Haywood as permanent chairman.

It adopted a platform which condemned the national administration for discrimination against the state in the levying of taxes, distribution of coal and in attempting to derive revenue from the use of water power at Niagara Falls for the benefit of other states; advocated the development of the port of New York in coöperation with the State of New Jersey; the improvement of housing facilities by the enactment of so-called rent bills and exemption from taxation for a limited period of new construction; encouragement of coöperative organization among farmers for collective purchase of supplies and marketing of products; the protection of privately owned lands from trespass; the coöperation between capital and labor to allay industrial unrest; political equality between men and women in governmental affairs; adequate payment for teachers in the public schools; completion and proper maintenance of

improved State highways; development of water power for the benefit of the people of the entire State; the selection of candidates to be voted for by the whole State and Justices of the Supreme Court by conventions of delegates chosen by the enrolled voters of the party at direct primaries; the granting to cities and villages of adequate powers of self government and control over local municipal affairs and business free from legislative interference; and the continued maintenance of the existing balance of power between the executive and legislative branches of government.

The last proposition marked a complete reversal of party policies on the part of the two dominant parties within a period of five years. The keynote of the Constitutional convention of 1915, as expressed in its proposed revision of the Constitution submitted to the people was the centralization of power in the executive branch of the government at the expense of the legislative, and an expression of lack of confidence in the capacity of the electorate to intelligently select those who are to govern. This was the approved policy of the Republican party which dominated the convention. It was strenuously opposed by the Democrats and a small but militant minority of Republicans. Upon accession to office Governor Smith appointed what was known as the Reconstruction Commission. It made an exhaustive report, recommending a four-year term for the Governor, a short ballot, an executive budget, and a drastic consolidation of State activities under department heads appointed by and removable at the will of the Governor, precisely the things that had been previously

opposed by the Democrats and that the people had decisively disapproved at the polls. Legislation was introduced to carry these recommendations into effect, but the Republican legislature refused approval.

In discussing the proposition the platform stated in part: "The basis of their plan is an enormous increase of executive power at the expense of the Legislative. Their alleged purpose is efficiency. The most efficient government of recent years was the late German government and the most efficient government of all—judged by accomplishment—is an absolute dictatorship. A four year term, the dictation to the appropriating body of exactly what moneys can be appropriated, a cabinet appointed by the Governor and removable by him, with or without cause, the same method to be followed with the heads of all of the great departments and we have full political control of all the State's activities, including its expenditures, vested in one man who may or may not be worthy of the responsibility. We especially commend the Legislature for its refusal to consent to any proposition which would have magnified the power of the executive at the expense of the direct representatives of the people."

Early in the spring some of the foremost Republican leaders decided on Nathan L. Miller of Syracuse as their choice for Governor. Miller had been Comptroller of the State and had retired from the bench of the Court of Appeals to resume the practice of law. He was reluctant to run, and it was generally understood that he felt himself bound to carry out obligations that he had undertaken for clients. Francis M.



Hugo, Secretary of State, and Eugene M. Travis, Comptroller, were active candidates. Travis retired early from the field, leaving Hugo in apparent lead for the nomination. Elon H. Hooker of New York, a manufacturer of chemicals, who had been a follower of Roosevelt and national treasurer of the Progressive party, announced himself as a business candidate in the belief that Miller would not consent to run and that he might be the choice of the leaders who had sought to bring forward the ex-Judge. But before the meeting of the unofficial State convention Miller's reluctance had been overcome, and it was evident that a majority of the convention were for him. Hooker withdrew from the contest with a statement that he had entered it with what he thought "was a clear and definite understanding that Judge Miller could not and would not accept the nomination." Two other aspirants also retired—Speaker Sweet and George F. Thompson. The latter declared that he did not seek an indorsement but would withdraw on account of the convention's "steam-roller methods." Three ballots were taken. The first showed 446½ votes for Miller, 314½ for Hugo, 128 for Henry M. Sage of Albany, 150 for John Lord O'Brian of Buffalo, 63 for Wesley O. Howard of Troy, 63 for Arthur S. Tompkins of Rockland, 3 for Frederick E. Crane of Brooklyn, and 1 for Speaker Sweet. On the second ballot Miller had 507½, Hugo 315½, Sage 80, O'Brian 95, Howard 57, Tompkins 44, and Crane 3. Five hundred and fifty-two votes were necessary for a choice, and on the third ballot Miller had 595½, Hugo 292½, Sage 76, O'Brian 74, Howard 46, Tompkins 46, and Crane 3.



Senator Wadsworth was actively opposed for renomination by some former Progressives, and more especially by women who had been prominent in the Suffrage movement, but his enemies failed to find an available candidate against him. On the ballot 97 votes were cast for Hooker without his consent; Wadsworth received 988 out of the total 1,133. Afterward efforts were made to induce Hooker to enter the primary against Wadsworth, but he declined. In the primary Miller was opposed for Governor by George F. Thompson, Jeremiah Wood for Lieutenant-Governor by William M. Bennett of New York, and Wadsworth for Senator by Ella A. Boole of Kings (president of the Woman's Christian Temperance Union of the State) and George Henry Payne of New York; and there were contestants against the "organization" nominees for Secretary of State, Treasurer, and Comptroller. Miller won by 127,000 over Thompson, and Wadsworth by 133,000 over the combined vote of his opponents.<sup>3</sup>

The Democrats held their unofficial State convention at Saratoga on August 3. Frank H. Mott was temporary and John K. Sague permanent chairman. Resolutions were adopted indorsing Cox and the Democratic national platform, attacking the Republican Legislature for blocking Governor Smith's reorganization plans,

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<sup>3</sup>The Republican ticket was: Governor, Nathan L. Miller, Onondaga; Lieutenant-Governor, Jeremiah Wood, Nassau; Secretary of State, John J. Lyons, New York; Comptroller, James A. Wendell, Montgomery; Treasurer, N. Monroe Marshall, Franklin; Attorney-General, Charles D. Newton, Livingston; State Engineer, Frank M. Williams, Orange; Judges of the Court of Appeals, Emory A. Chase, Greene, and Frederick E. Crane, Kings; United States Senator, James W. Wadsworth, Jr., Livingston.

favoring the extension of State credit for home-building together with limited tax exemptions, claiming for the Democracy credit for the great body of workmen's remedial measures passed in the State, declaring for the maintenance of direct nominations, opposing increased rate legislation for street railways, and favoring amendment of the Prohibition law to permit the use of light wines and beer. The liquor plank was carried through the resolutions committee by a vote of 21 to 13, two of its opponents taking the ground that it was not radical enough against prohibition. George R. Lunn led the opposition, carrying the fight for prohibition enforcement to the floor of the convention, where he rallied 34 votes. The convention decided not to make a formal designation for Governor, but to have a roll-call of counties for the purpose of testing out sentiment. Lunn objected to this program, but was beaten, 434 to 16. He had the support of 3 votes from Livingston, 1 from Otsego, 6 from Steuben, and 6 from Schenectady. Delegation after delegation announced a desire for the candidacy of Smith, whose popularity indeed made his re-nomination a foregone conclusion. Lieutenant-Governor Walker was agreed upon as organization candidate for United States Senator. Against him George R. Lunn made a contest in the primaries and carried the counties of Fulton, Schoharie, Ulster, Rensselaer, and Schenectady, but Walker still had 65,000 plurality. The convention nominated Philip A. Laing of Erie for Attorney-General, but he declined, and Frank H. Mott of Chautauqua was substituted.<sup>4</sup>

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<sup>4</sup>The Democratic ticket was: Governor, Alfred E. Smith, New York;

The Prohibition organization designated a ticket with D. Leigh Colvin of New York at its head, but he was nominated for Vice-President by his party and George F. Thompson became the candidate. Ella A. Boole was nominated for United States Senator.<sup>5</sup>

Three parties competed for the radical vote. The Socialist Labor party and Socialist party were in the field with their usual programs. The latter held a convention in New York City on July 4 and put forth a platform reaffirming allegiance to the principles of international socialism and denouncing both the major parties in the matter of the Assembly expulsions; it declared for occupational as well as geographical representation in the government. An organization known as the American Labor party held a State convention at Schenectady the last of May, designated candidates for some State offices, and took part in the meeting at Chicago that crystalized in the formation of the Farmer-Labor party. In a Farmer-Labor conference on July 29 Dudley Field Malone, former Democratic Collector of the Port of New York, who had resigned to show his

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Lieutenant-Governor, George R. Fitts, Tompkins; Secretary of State, Harriet May Mills, Onondaga; Comptroller, Charles W. Berry, Kings; Treasurer, John F. Healy, Westchester; Attorney-General, Frank H. Mott, Chautauqua; State Engineer, Paul McLoud, Cayuga; Judges of the Court of Appeals, Abram I. Elkus, New York, and Frederick E. Crane, Kings; United States Senator, Henry C. Walker, Broome.

<sup>5</sup>The Prohibition ticket was: Governor, George F. Thompson, Niagara; Lieutenant-Governor, Edward G. Dietrich, Onondaga; Secretary of State, Irene B. Taylor, Schenectady; Treasurer, John McKee, Kings; Comptroller, William C. Gray, Oneida; Attorney-General, William H. Burr, Monroe; State Engineer, Arthur S. Light, Monroe; Judges of the Court of Appeals, Francis E. Baldwin, Chemung, and Coleridge A. Hart, Westchester; United States Senator, Ella A. Boole, Kings.



disapproval of President Wilson's failure to support the Irish revolutionists and Attorney-General Palmer's procedure under the sedition and deportation laws, was nominated for Governor, and the earlier designations of the American-Labor group were accepted for other offices.<sup>6</sup>

From the beginning of the campaign few doubted the success of the Republican national ticket in New York, although great efforts were made by the Democratic organization and press to win the support of Republican advocates of the League of Nations covenant. The only

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<sup>6</sup>Owing to the election law's limitation as to the length of party names, the Socialist Labor party of America appears on the New York ballot as the Social Labor party. Election laws in other States forbidding two parties to use the same or part of the same name have resulted in its being known by other names in several States; thus, in Maryland as the Labor party, in Minnesota as the Industrial Labor party, and in Pennsylvania as the Industrial party.

The Socialist Labor ticket was: Governor, John P. Quinn, Kings; Lieutenant-Governor, Jeremiah D. Crowley, Onondaga; Secretary of State, May Phalor, New York; Comptroller, John De Lee, Rensselaer; Treasurer, John A. Withers, Monroe; Attorney-General, John Donahue, New York; State Engineer, Charles C. Crawford, New York; United States Senator, Harry Carlson, Kings.

The Socialist ticket was: Governor, Joseph D. Cannon, New York; Lieutenant-Governor, Jessie Wallace Hughan, Kings; Secretary of State, Charles W. Noonan, Schenectady; Comptroller, Philip Randolph, New York; Treasurer, Hattie Kruger, Erie; Attorney-General, Darwin J. Meserole, Suffolk; State Engineer, Vladimir Karapetoff, Tompkins; Judges of the Court of Appeals, Leon A. Malkiel, New York, and Jacob Axelrod, New York; United States Senator, Jacob Panken, New York.

The Farmer-Labor ticket was: Governor, Dudley Field Malone, New York; Lieutenant-Governor, P. E. Haffey, Monroe; Secretary of State, William Auyer, Jefferson; Comptroller, Helen Hamlin Fincke, Westchester; Treasurer, Joseph E. Cronk, Rensselaer; Attorney-General, F. R. Serri, Kings; Judges of the Court of Appeals, Swinburne Hale, New York, and Thomas F. Dwyer, Queens; United States Senator, Rose Schneiderman, Bronx.



conspicuous defection among active Republican politicians was that of Herbert Parsons, who had just retired from membership in the national committee and been succeeded by Charles D. Hilles. Parsons declared for support of Cox as the only means that would assure the establishment of a peace league. While the Republicans counted on the State's Electoral vote, they were by no means so certain of electing the Governor. Governor Smith enjoyed great personal popularity, and his course in the Executive office had won him many friends among Republicans, especially the women voters. The election returns paid him a tremendous personal tribute and showed that nothing but the overwhelming country-wide sweep against the Democracy prevented his reelection.

Harding received over 7,000,000 plurality on the popular vote and carried all but eleven States. Cox carried no State outside the south. He lost Missouri and Tennessee. The Electoral vote was: Harding, 404; Cox, 127. The popular vote was: Harding, 16,152,200; Cox, 9,147,353; Watkins (Prohibitionist), 189,408; Debs (Socialist), 919,799; Christensen (Farmer-Labor), 265,411; W. W. Cox (Socialist Labor), 31,175; Macauley (Single Tax), 5,837. In addition there were scattering votes in several States under different party designations.<sup>7</sup> The Republicans won both houses of Congress—the Senate by 59 to 37 and the House of Representatives by 300 to 132 Democrats and 1 Socialist.

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<sup>7</sup>*Statistical Abstract of the United States, 1920.*

New York gave Harding 1,871,167 votes; Cox, 781,238; Debs, 203,201; Watkins, 19,653; Christensen, 18,413; W. W. Cox (Socialist Labor), 4,358. The Republicans carried every county in the State. Their unprecedented plurality of 1,089,929 for President was cut down to 73,888 for Governor, so strong was Smith's popularity and so little did popular desire for the change in the government at Washington carry with it general adhesion to the Republican party on local matters. Miller received 1,335,617 votes; Smith, 1,261,729; Cannon (Socialist), 171,907; Malone (Farmer-Labor), 49,953; Thompson (Prohibitionist), 16,978; Quinn (Socialist Labor), 4,641. While Harding carried Greater New York by 438,000 plurality, Smith won every metropolitan county and had 411,000 plurality in the city, but he carried no county outside. All the other Republican candidates for State offices were elected, including Chase and Crane to the Court of Appeals. Wadsworth, despite the organized opposition of woman suffragists and a special drive made against him as a reactionary and an enemy of prohibition, carried every county in the State and won by 546,286 plurality, receiving 1,431,347 votes to 885,061 for Walker, 159,477 for Mrs. Boole (Prohibitionist), 151,246 for Panken (Socialist), 15,086 for Schneiderman (Farmer-Labor), and 6,522 for Carlson (Socialist Labor).

The Republicans elected 33 Congressmen from New York, the Democrats 9, and the Socialists 1. The State Senate stood, Republicans, 40; Democrats, 10; Socialist, 1. In the Assembly the Republicans had 118, the Democrats 29, and the Socialists 3.

An amendment to the State Constitution authorizing the issue of bonds in anticipation of taxes and regulating the authorization of debt and the conduct of the sinking fund was carried by a large majority. The people also approved by a large majority a measure submitted by referendum authorizing the State to issue \$45,000,000 of bonds to provide for giving bonuses to soldiers and sailors of the World War, which, however, the Court of Appeals subsequently held to be in violation of the Constitution.

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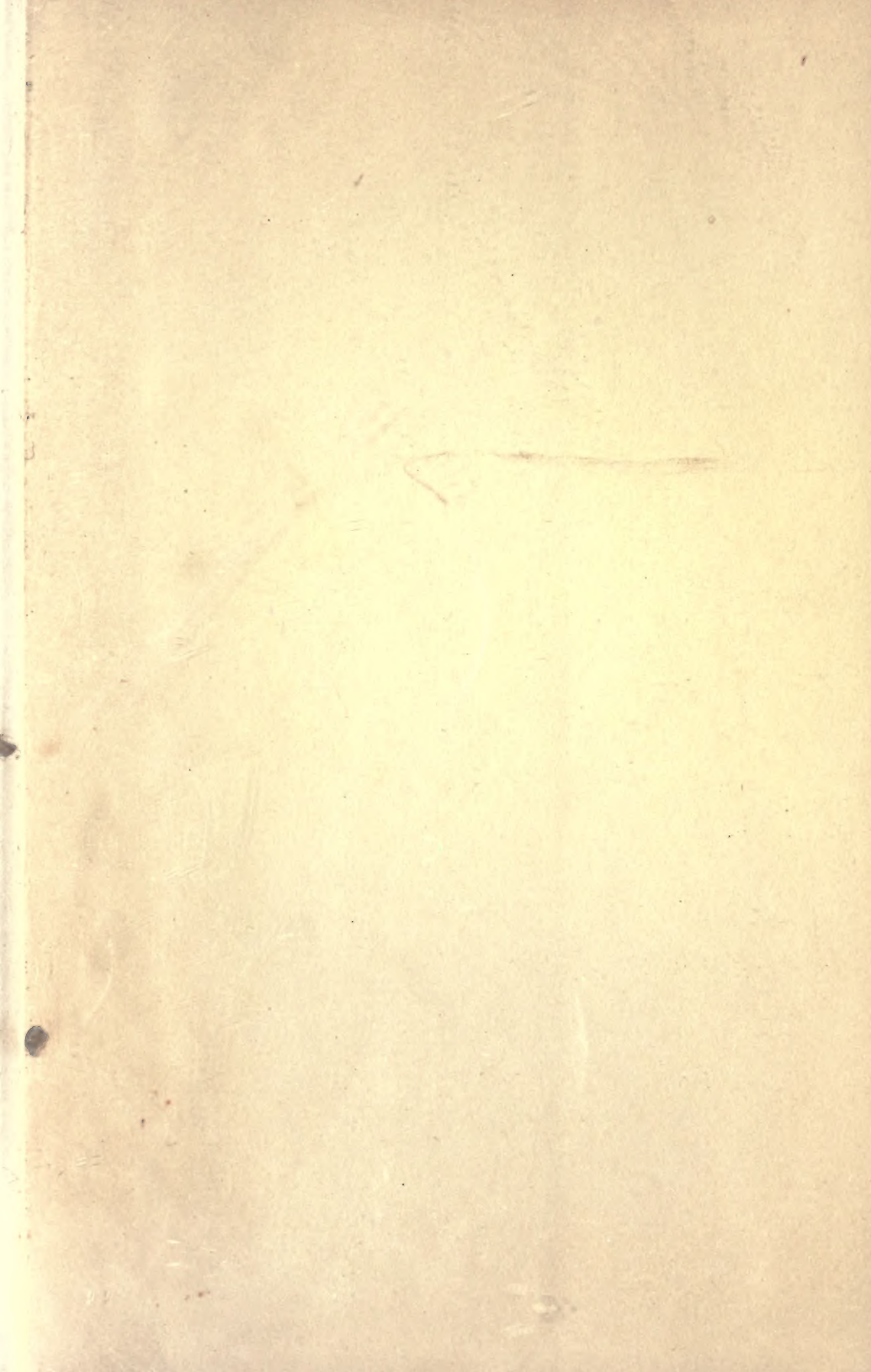
















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